

Liverpool John Moores University

Title: CONTRACT LAW & PROCEDURES
Status: Definitive
Code: **5509BEFDL** (118290)
Version Start Date: 01-08-2011

Owning School/Faculty: Built Environment
Teaching School/Faculty: Built Environment

Team	Leader
Derek King	

Academic Level: FHEQ5
Credit Value: 24.00
Total Delivered Hours: 99.00
Total Learning Hours: 240
Private Study: 141

Delivery Options

Course typically offered: Standard Year Long

Component	Contact Hours
Lecture	72.000
Tutorial	24.000

Grading Basis: 40 %

Assessment Details

Category	Short Description	Description	Weighting (%)	Exam Duration
Report	Report		40.0	
Exam	Exam		60.0	3.00

Aims

This module is intended to provide students with an introduction to the British legal systems, the Law of Contract, the characteristics of the legal framework and procurement arrangements used in the construction industry in general and the Building Services Engineering sector in particular. It is also intended that learners will develop knowledge and understanding of those aspects of contractual administration relating to the common types of contract used in the construction industry. The particular emphasis will be on the types of contract commonly used within the Building Services Engineering sector.

Learning Outcomes

After completing the module the student should be able to:

- 1 Demonstrate an understanding of the principles of the English, Scots, and European Law.
- 2 Identify the main parties to a Building Services Engineering Contract, and to understand their legal and contractual obligations within the contract.
- 3 Identify the available procurement systems in the UK, and understand the strategic organisational planning and decisions for an effective supply chain management.
- 4 Evaluate strategies and identify risks within the selection process for a successful procurement and standard contract appropriate to the specifics needs and requirements of a Building Services Engineering project.
- 5 Evaluate and analyse all available standard forms of contract with particular reference to time, quality, cost, and Health and safety.

Learning Outcomes of Assessments

The assessment item list is assessed via the learning outcomes listed:

Report type assignment	1	4	5
Exam	2	3	

Outline Syllabus

Law and the construction process: broad understanding of the workings of the UK legal systems, the court system, principles of arbitration, alternative dispute resolution and adjudication, Common Law, Industrial Tribunals, the nature of tort, the law of tort and its significance to the construction industry, negligence, nuisance, trespass, statutory duties, liability.

Contract: identification of the main parties to a contract, responsibilities of the main parties, contractual liabilities of the main parties. Position within the contractual chain, what is expected from who. Supplemental Agreements, Performance and Payment Bonds.

Effect of the Law on a company: detailed understanding of the English legal system, overview of the Scottish legal system, company law and legal status of companies, employment law, law of land and property, sale, purchase and rental of goods, health, safety and welfare, employer liability, subcontractor tax requirements.

European legal requirements: principal requirements of the European legal systems, tort, employment law, company law, contract law.

Procurement and contractual arrangements: client's requirements and priorities, methods of procurement, relationship between and procurement arrangements and variable factors including time, cost, performance and risk, trends of current use of procurement methods used for construction and the building services sector including partnering arrangements.

Selection of forms of building contracts and procurement arrangements: distinctions

between contract and non-contract documents, articles of agreement, conditions and appendices to the different forms of contract.

Issues and developments associated with the procurement of projects: investigation of current issues associated with procurement and contractual arrangements, case studies, issues and recommendations raised from government and industry bodies, developments and trends.

Roles and activities of the parties and organisations involved in:, different project phases and the plan of work

Roles and responsibilities: Roles, contractual responsibilities and activities of all the different parties and organisations involved or associated in a project from pre-contract to post contract activities including professional bodies, trade associations, statutory bodies etc.

*Forms of contract with reference to time: commencement, completion, delays, extensions of time, postponement, phased completions, early commencement, optimum time scales, fast-tracking. Contractual Notices, Condition Precedent??
NEC3*

Forms of contract with reference to cost: fixed-price arrangements, price certainty, price

forecasting, contract sum, interim certificates, payments, cash flows, retention, cost penalties, variations, dayworks, provisional and prime cost sums, subcontractors and suppliers, claims, final costs, final certificate.

Forms of contract with reference to quality: standards of workmanship, specification, statutory obligations, CDM Regulations, methods of working, testing, removal of defective work, quality assurance, other clauses from the forms of contract.

Forms of contract with reference to supply chain management: Nominated and named subcontractors: contract conditions, tendering arrangements, information requirements, main contract implications, forms and agreements. Supplemental Agreements

Other subcontractors: contract conditions, domestic, directly employed, tendering, criteria, information requirements, main contract implications, forms and agreements

Suppliers: identify and compare contract conditions, nominated, named, direct, specialist

Learning Activities

Lectures, tutorials, case studies.

References

Course Material	Book
Author	Ashworth, A
Publishing Year	2005
Title	Contractual Procedures in the construction industry
Subtitle	
Edition	5th
Publisher	Prentice Hall

ISBN	0-13-129827-5
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Course Material	Book
Author	Chappell, D
Publishing Year	2006
Title	The JCT Intermediate Building Contracts
Subtitle	
Edition	3rd
Publisher	Blackwell Publishing
ISBN	1-4051-4049-6

Course Material	Book
Author	Masterman, J.W.E.
Publishing Year	2010
Title	An introduction to building procurement systems
Subtitle	
Edition	
Publisher	Spon
ISBN	0419177205

Course Material	Book
Author	Morledge, R., Smith, A. and Kashiwagi, D.
Publishing Year	2006
Title	Building Procurement
Subtitle	
Edition	
Publisher	Blackwell Science
ISBN	

Notes

This module is a key component for those students wishing to complete the programme following a 'commercial' building services pathway. It aims to develop the students depth of understanding of legal system in general, the implications to the administration of building services projects and contractual framework in which the construction sector operates.