



UNIVERSITY COLLEGE
OF ESTATE MANAGEMENT

Construction Law

Module Descriptor

Module Code: LAW6CON

Version: 9.00

Status: Final

Date: 18/03/2021

Summary Module Details

Module details

Module Title: Construction Law

Module Leader: Christopher Pittman

Module Mode: Supported online learning

Semester: Autumn (UK)

Level: 6

Credits: 20

Learning Hours: 200

Contact & Study Hours:

Directed Study Time: 90hrs (45%)

Self-Directed Study Time: 50hrs (25%)

Assessment Study Time: 60hrs (30%)

Assessment Type:

Coursework: 100%

Computer Marked Assessment: 0%

Self-directed Research Project: 0%

Portfolio: 0%

Module Summary

This module aims to provide students with an understanding of the major issues of law embraced by construction projects. It enables students to analyse professional liability and evaluate methods of extending/limiting liability, and to assess the extent of liability outside the contractual relationship. The module also aims to give students an in-depth understanding of the issues related to construction disputes and the various commonly used methods of dispute resolution.

Taken on which Programme

BSc (Hons) Construction Management (E)

BSc (Hons) Quantity Surveying (C)

Core (C) or Elective (E)

Module Aims

This module aims to:

- Provide an introduction to the principles of contract law as applied to construction projects with specific reference to common construction contract clauses;
- Analyse professional liability and evaluate method of extending/limiting liability;
- Assess the extent of liability outside the contractual relationship with a specific focus on defects liability, neighbour issues and highways;
- Evaluate the processes commonly used for resolving disputes that arise during construction projects.

Module Learning Outcomes

- LO1. Demonstrate a systematic understanding of the general law of contract and tort in England and Wales as applied to construction projects, disputes and dispute resolution.
- LO2. Evaluate the effectiveness of specific construction contract clauses, the methods of extending and limiting professional liability and the obligations, rights and remedies of the commissioning party.
- LO3. Analyse, investigate and solve legal problems on construction projects by identifying the relevant legal principles and presenting logical conclusions using relevant legal terminology.
- LO4. Assess the effectiveness of the various methods of dispute resolution commonly used by the construction industry and identify situations where professional legal advisors should be involved.

Indicative Module Content

Module topics

- **The nature of construction contracts**
Placing the construction contract in context. Parties and the nature of the relationship. Special provisions.
- **Change**
The reasons why construction contracts contain provisions allowing the employer to unilaterally change the contract. The nature and operation of variation clauses.
- **Time**
The reasons why construction contracts contain provisions relating to time. The nature and operation of time clauses, including extensions of time.
- **Payment**
The nature and operation of payment clauses, including interim valuations and interim certificates.
- **Work by others**
Artists and tradesmen, subcontracting, access to site, payment, liability.

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- **Ending the contract**

Discharge of a contract, frustration, breach, suspension. Termination and determination.

- **Professional negligence**

Understanding the relevance and consequences to the professional role.

- **Contractual security**

Letters of intent. Contracts (Rights of Third Parties) Act 1999. Bonds, collateral warranties, latent defects insurance, retention.

- **Defects liability**

Latent and patent defects, economic loss, measure of damages, limitation of actions.

- **Neighbour issues**

Boundaries, access to neighbouring land, party walls. Easements and covenants.

- **Highways**

Classification, creation and adoption. Maintenance and repair. Obstruction, stopping up and diversion. Provision of sewers.

- **Alternative dispute resolution**

Mediation, conciliation, expert determination, dispute resolution boards. Cultural attitudes to the use of alternative dispute resolution methods.

- **Adjudication, Arbitration and Litigation**

The general principles and applications of Arbitration, Adjudication and Litigation and the relevant statutory provisions.

This content will be reviewed and updated regularly to reflect the legal, moral and financial changes in professional standards and practice.

Overview of Summative Assessment

Module learning outcomes	Assessment	Word count or equivalent	Weighting
LO1, LO2, LO3	Assessment 1 Coursework	2,000	40%
LO1, LO2, LO3, LO4	Assessment 2 Coursework	3,000	60%

Module Pass Mark (as a weighted average of all assessments): 40%

Key Module Learning Resources

Core Sources and Texts

The core reading resources within each module will be provided via the specific Virtual Learning Environment (VLE) module pages and within the e-Library. Additional reference

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material and supplementary resources to support your studies are available through the UCEM e-Library.

Module tools

Students will have access to study materials, dedicated academic support, student forums, and learning activities via an online learning platform (VLE).

The module page on the VLE is broken down into structured study weeks to help students plan their time, with each week containing a mixture of reading, case studies, videos/recordings and interactive activities to go through. Online webinars/seminars led by the Module Leader can be attended in real time and provide opportunities to consolidate knowledge, ask questions, discuss topics and work through learning activities together. These sessions are recorded to support students who cannot attend and to enable students to recap the session and work through it at their own pace. Module forums on the VLE provide further opportunities to discuss topics with other students, complete collaborative work and get extra help from the module team.

Professional online resources

The e-Library provides access to trusted, quality online resources, selected by subject specialists, to support students' study. This includes journals, industry publications, magazines, academic books and a dissertation/work-based library. For a list of the key industry specific and education resources available please visit [the VLE e-Library](#).

Other relevant resources

Access is also provided to further information sources that include the British Library and Open University UK catalogues, as well as providing a monthly current awareness service entitled, **Knowledge Foundations** - a compendium of news, research and resources relating to the educational sector and the Built Environment.

The module resource list is available on the module website and is updated regularly to ensure materials are relevant and current.