

OVERVIEW OF LAW OF CONTRACT AND CONSTRUCTION LAW

SYNOPSIS

Architects are involved in, one way or another, the law of contract in their work. For example an architect working in an architecture firm or a construction company will have to deal with tender documents, the Letter of Award, delay, extension of time, liquidated and ascertained damages etc almost every day in their work. An architect who works in a building material company or manufacturer may need to deal with suppliers and contractors in regards to punctual delivery and quality of the building materials supplied by him. The service level required from him is that he has to be well-versed in supply contracts, service level agreement and at times too, construction contract. Similarly a sales architect has to handle all types of sales contract also.

As employers and clients are becoming more-litigious nowadays, the potential of architects facing a claim for breach of contract or breach of the duty of care under the tort of negligence has increased accordingly.

The basic doctrine of contract law is that the contracting parties should keep their promises whilst for the law of tort, the gist is essentially that people should conduct themselves so as to avoid inflicting injury on others or damaging properties of other people around them. The rights and liabilities of parties under a contract can be established based on the contract that parties have entered into. However, in the absence of an agreement, one party may still be held liable to another under the law of tort; notwithstanding that parties have never executed any agreement between them.

The innocent party who is aggrieved due to the breach of the contract by the other contracting party will seek for remedies either through court litigation or arbitration proceedings. With the enactment of Construction Industry Payment and Adjudication Act 2013, the unpaid parties, i.e. the contractors who are not paid, will now seek for remedy through adjudication proceedings.

This course aims to provide an overview of the Law of Contract and the Construction Law in relation of construction work. Topics for the seminar include fundamentals of common law, general principles of law of contract, discharge of contract, remedies for breach of contract, remedies under tort and breaches and remedies in construction contract. Other areas of law relevant to the construction such as Law of Agency, Law of Arbitration, Law of Adjudication and Land Law are also covered in the course.

Module 4

1. Law of Adjudication
 - a. What is Adjudication
 - b. Purpose and Scope of Construction Industry Payment and adjudication Act 2012
 - c. Appointment of Adjudicator
 - d. Time Table and Procedure
 - e. Adjudicator Decision
 - f. Enforcement of Adjudicator Decision
 - g. Contracting out of CIPAA
2. Law of Agency
3. Land Law
4. Law that relates to Construction and Engineering