

MODULE DESCRIPTOR

Module Title

Legal Issues In Construction

Reference	BS4175	Version	4
Created	February 2017	SCQF Level	SCQF 10
Approved	June 2017	SCQF Points	15
Amended	June 2017	ECTS Points	7.5

Aims of Module

To enable students to obtain an in depth knowledge and understanding of: standard forms of construction contracts in common use; key contractual obligations of principal parties to a construction contract; the liability of a builder in respect of defective construction works under the law of delict; collateral warranties in use in the construction industry; and the legal implications of time, contract variations and certification in the context of construction contracts.

Learning Outcomes for Module

On completion of this module, students are expected to be able to:

- 1 Apply general and specific principles of contract law, and principles of contractual interpretation, towards solving legal problems arising under construction contracts, taking account of statutory and common law rights, duties and liabilities conferred or imposed upon the parties to a construction contract.
- 2 Explain and critically evaluate or determine the significance of: the basis of the liability of a builder in respect of defective construction works under the law of delict,
- 3 Explain and critically evaluate or determine the significance of: the legal implications of time under a construction contract; contract variations and certification in the context of construction contracts.

Indicative Module Content

Standard forms of construction contracts in common use; key obligations of principal parties to a construction contract; the delictual liability of a builder in respect of defective construction works; collateral warranties in use in the construction industry; the legal implications of time under construction contracts; contract variations; and certification in the context of construction contracts.

Module Delivery

This is a lecture and seminar based module. Lectures provide core module content. Seminars develop associated higher level skills through student centred learning.

Indicative Student Workload

	Full Time	Part Time
Contact Hours	36	36
Non-Contact Hours	114	114
Placement/Work-Based Learning Experience [Notional] Hours	N/A	N/A
TOTAL	150	150
<i>Actual Placement hours for professional, statutory or regulatory body</i>		

ASSESSMENT PLAN

If a major/minor model is used and box is ticked, % weightings below are indicative only.

Component 1

Type:	Coursework	Weighting:	30%	Outcomes Assessed:	2, 3
Description:	Written coursework exercise				

Component 2

Type:	Examination	Weighting:	70%	Outcomes Assessed:	1, 2, 3
Description:	Written examination				

MODULE PERFORMANCE DESCRIPTOR**Explanatory Text**

The Module is assessed by two components: C1 - Coursework - 30% weighting. C2 - Examination - 70% weighting. Module Pass Mark = Grade D (40%)

Module Grade	Minimum Requirements to achieve Module Grade:
A	At least 70% on weighted aggregate and at least 35% in each component
B	At least 60% on weighted aggregate and at least 35% in each component
C	At least 50% on weighted aggregate and at least 35% in each component
D	At least 40% on weighted aggregate and at least 35% in each component
E	At least 35% on weighted aggregate
F	Less than 35% on weighted aggregate
NS	Non-submission of work by published deadline or non-attendance for examination

Module Requirements

Prerequisites for Module	None.
Corequisites for module	None.
Precluded Modules	None.

INDICATIVE BIBLIOGRAPHY

- 1 ARNOTT, J.M. and WOLFE, W.J., 1994. Building contracts. In: *The laws of Scotland: Stair memorial encyclopedia volume 3*. [online]. London: LexisLibrary.
- 2 JOINT CONTRACTS TRIBUNAL, 2011. *Standard form of building contract: private with quantities*. [online]. London: Riba Publications.
- 3 MACROBERTS SOLICITORS, 2015. *MacRoberts on Scottish building contracts*. 3rd ed. Oxford: Blackwell Science Ltd. *ebook*
- 4 UFF, J., 2013. *Construction law*. 11th ed. London: Sweet and Maxwell.