

MODULE DESCRIPTOR

Module Title

Construction Adjudication Law, Practice And Procedure

Reference	LLM229	Version	3
Created	June 2023	SCQF Level	SCQF 11
Approved	May 2020	SCQF Points	30
Amended	September 2023	ECTS Points	15

Aims of Module

1.To enable students to obtain knowledge and understanding of: a.dispute resolution processes in the construction industry and the background to the introduction of statutory adjudication; b.the role of statutory adjudication in the construction context under the Housing Grants, Construction and Regeneration Act 1996 (and secondary legislation) and the role of contractual adjudication; c.the relationship between statutory adjudication and the employer?s payment obligation under a construction contract; and d.the nature, characteristics and operation of statutory and contractual adjudication in the construction sector. 2.To enable students to obtain knowledge and understanding of the key practical and procedural issues involved before and during a statutory adjudication in the UK. 3.To teach students how to conduct key parts of the UK statutory adjudication procedure. 4.To convey an understanding of the importance of the decision and its component parts - and the requirements for such a decision to survive judicial scrutiny. 5.To allow students to understand in outline the key procedural issues arising out of contractual adjudications.

Learning Outcomes for Module

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

- 1 Understand the role and origins of statutory adjudication in the UK construction sector under the Housing Grants, Construction and Regeneration Act 1996 (and secondary legislation).
- 2 Understand and evaluate the nature, characteristics and operation of statutory and contractual adjudication in the construction sector.
- 3 Understand and apply, in the context of a UK statutory adjudication, the required rules and approaches to achieve a professional standard of case management and inter-personal skills.
- 4 Demonstrate the ability to conduct a UK statutory adjudication in a way which would creatively and accurately apply procedural norms and survive judicial scrutiny.

Indicative Module Content

Dispute resolution processes in the construction industry; adjudication around the world, the background to the introduction of statutory adjudication in the UK ; the role of statutory adjudication in the construction sector under the Housing Grants, Construction and Regeneration Act 1996; the relationship between statutory adjudication and the employer's contractual payment obligation; the nature, characteristics and operation of statutory and contractual adjudication; jurisdiction to adjudicate; notice of adjudication; response to notice and reply; appointment of adjudicator; adjudication timetable; confidentiality of adjudications; adjudicator's contract; threshold challenges; meetings with parties; approach to the conduct of adjudication generally; evidence from parties; resignation of adjudicator; adjudication costs and adjudicator's fees; anatomy of an adjudication decision; drafting of correspondence with parties ; basic process in contractual adjudication; construction law principles and alternative dispute resolution.

Module Delivery

This course will be taught via online lecture notes, online tutorials, assigned reading, case studies and directed reading/research, topic activities and directed reading/ research. It will be supported by audio-visual material where appropriate.

Indicative Student Workload

	Full Time	Part Time
Contact Hours	N/A	72
Non-Contact Hours	N/A	228
Placement/Work-Based Learning Experience [Notional] Hours	N/A	N/A
TOTAL	N/A	300
<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:	40%	Outcomes Assessed:	1, 2
Description:	Coursework assessment in the form of a problem question(s)				

Component 2

Type:	Examination	Weighting:	60%	Outcomes Assessed:	3, 4
Description:	A closed book exam				

MODULE PERFORMANCE DESCRIPTOR**Explanatory Text**

Component 1 is a coursework weighted at 40%. Component 2 is an exam weighted at 60%. The grades are calculated by reference to the grid below. Non-submission of either component 1 or 2 will result in an NS grade. An overall minimum grade D is required to pass the module.

		Coursework:						NS
		A	B	C	D	E	F	
Examination:	A	A	A	B	B	C	E	
	B	B	B	B	C	C	E	
	C	B	C	C	C	D	E	
	D	C	C	D	D	D	E	
	E	C	D	D	E	E	E	
	F	E	E	E	E	F	F	
	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 Coulson, P., 2018. Construction adjudication. 4th ed. Oxford: Oxford University Press (Hard copy available in the RGU Library. E-copy not yet available)
- 2 Uff, J., 2017. Construction Law. 12th ed. London: Sweet & Maxwell.
- 3 Ramsey, Sir Vivian and Furst, S., 2016. Keating on construction contracts. 10th ed. London: Sweet & Maxwell.
- 4 Pickavance, K A Practical Guide to Construction Adjudication 2015 Wiley Blackwell
- 5 Riches, J.L. and Dancaster, C., 2004. Construction adjudication. 2nd ed. London: Wiley Blackwell. eBook
- 6 Latham, M., 1994. Constructing the team: final report of the government/industry review of procurement and contractual arrangements in the UK construction industry. London: HMSO.