Contract Law for Engineers

A two day course which will examine the law of contract and of tort within which engineering contracts (both supply and construction) are made and operate, and explain the many matters stated in the standard forms.

The course will cover the broad range of:

- The English legal system
- The law of contract: contract formation, terms (express, implied, exclusion & limitation), requirements as to writing, discharge, breach, and privity
- The tort of negligence
- Risk and payment, variations and their impact
- Essential elements of engineering contracts
- Payment mechanisms
- Standard forms of contract
- Dispute resolution

Points of law will be illustrated with references to legislation and past cases. This course is based on a highly successful course of evening classes that has been held for over ten years. Detailed course notes will be provided.

WHO SHOULD ATTEND

This course is ideal for those senior engineers who have spent some years in contracting but never had any formal training in contract law, those who wish to have a refresher in the subject and those who are comparatively new to engineering and contracting and who need to understand the law within which they are working. It is equally of benefit to those who are involved in the procurement of goods, services and works and to those who are managing contracts – whether for a purchaser, main contractor, subcontractor or supplier.

COURSE PROGRAMME

Day 1
1. English legal system
   - Sources of law
   - English legal system is adversarial
   - Natural justice
   - Burden of proof
2. Law of Contract (1)
   - Definition of a contract
   - Analysis of contract formation
   - Requirements as to writing
   - Simple and speciality contracts
   - Contracts of utmost good faith
3. Law of Contract (2)
   - Terms - conditions and warranties
   - Express terms
   - Implied terms
   - Exclusion and limitation clauses
4. Law of Contract (3)
   - Discharge of contract
   - Breach of contract
   - Set-off
   - Privity
   - Assignment
5. Law of tort
   - Tort - what is it?
   - Tort of negligence
   - Four stage test
   - Remedies
6. Conclusions - contract and tort
   - Limitations of action
   - Action in contract or tort?
Day 2

7. Introduction to engineering & construction contracts
   - The contract
   - The Engineer/Project Manager
   - Making the contract
   - Risk and basis of payment
   - Variations and their impact
   - Types of works
   - Activities of the contractor

8. Essential Contents of engineering and construction contracts
   - Definitions
   - General duties of Contractor and Purchaser
   - Appointment and authority of the contract administrator and his assistants
   - Time for completion
   - Delay and extension of time
   - Liquidated damages for delay
   - Completion/Takeover/Performance tests
   - Certificates
   - Variations
   - Payment
   - Interest on late payment
   - Liability for defects
   - Contractor's liabilities
   - Insurance
   - Limitation of contractor's liabilities
   - Sufficiency of price and unforeseen conditions

9. Payment mechanisms
   - Price based contracts
   - Cost based contracts

10. Standard forms of contract
    - Brief review of the various industry forms and key aspects of risk associated with each:
      - Civil engineering and building forms
      - Mechanical and electrical forms
      - Process plant contract forms
      - Process plant contracts
      - Service contracts
      - Main and subcontract forms

11. Dispute resolution: Adjudication, Experts, ADR, and Arbitration
    - Housing Grants, Construction and Regeneration Act 1996
    - Key features of each of the major forms of dispute resolution
    - Avoiding disputes

Course Director: Gordon H Bateman, C Eng, FICE, FCIArb, AMIChemE.

Gordon is a lecturer and consultant in private practice. He was previously the in-house specialist on contract law and engineering and construction contracts at Thames Water. He is on the ICE and IChemE lists of adjudicators, chairs the IChemE contracts drafting committee, is a member of the IChemE Disputes Resolution Panel, a member of the ICE Contract Law and Procedures Committee, and a Past Chairman of the Thames Valley Branch of the Chartered Institute of Arbitrators.

For more Info Contact: Jim Eaves on 07968 707 753