

**ARCHITECTS NEGLIGENCE ON BUILDING DEFECTS IN  
MALAYSIA**

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Submitted in Partial Fulfillment of the Requirements for the Bachelor in Legal Studies (Hons)

**Universiti Teknologi MARA  
Faculty of Law**

April 2007

The students/authors confirm that the work submitted is their own and that appropriate credit has been given where reference has been made to the work of others.

## **ABSTRACT**

Negligence is the most well-known and certainly the most important of all torts. Negligence, particularly by a group of professionals, may occur everyday and at anytime in our daily life. Hence, an attempt is made to examine the liability of the architects for their negligence on building defects and the awarded damages that would be imposed on them. This project paper is limited to literature review, research, analysis and suggestion based on the objectives and scope of study.

This research is conducted to analyze and evaluate the liability of architects towards the end user in ascertaining the concept of duty of care in applying the neighbourhood principles, foreseeability test and the reasonable man's test with reference to relevant statutes and cases. This research in addition will examine whether statutory provisions governing architects is desirable in Malaysia relating to the liability of the architects for their negligence act and to create awareness to the public on the area of professional liability of architects in Malaysia.

We have concluded that the existence of duty of care by applying the neighbourhood principle is essential in determining whether a person can be made liable in negligence. There is an urgent need to codify the law relating to architects negligence in the statute since there is no express provision that regulate the conduct of the architects therein.

## ACKNOWLEDGEMENT

The first and foremost, we would like to express our greatest gratitude to God for giving us strength and health in the process of completing this assignment. Without Him, we don't think we will be able to complete this assignment in a smooth way and on time.

This research project has been carried out by a team which has included me, Raihana bt Abdul Rahman and my partner, Stephanie Sherron Abbie. My contribution to the project has been the introduction, the literature review part and the findings. My partner, contributed in doing the research methodology, interviewing persons related to our project paper and the recommendations part.

Our highest appreciation then goes to our respectful supervisor that is Mr. John Chua for his guidance and assistance. He has put a lot of effort in order to give the best for us. Other than that, he has been willing to share his experiences and knowledge which we consider them to be valuable for us. Thank you for your support, motivation and guidance. We consider it very useful not only for this project paper but also for our own knowledge.

Our gratitude also goes to those who agreed to be interviewed, informally and gave us the benefits of their knowledge, views and experience. The following are the lecturers at the Faculty of Architecture in UiTM Shah Alam, Mr. Hassan Mohamed and Mr. Mustapha Mohd Salleh.

In addition, we would like to express our gratitude towards our parents for their attention, help and support, in completing this project paper.

Last but not least, to our friends, who were willing to share what they know and provide co-operation in the process of completing this project paper. Thanks a lot for the assistance.

.Thank you.

## TABLE OF CONTENTS

Acknowledgement	ii
Abstract	iii
Table of Contents	iv
List of Cases	vii

### CHAPTER ONE: INTRODUCTION

1.0 General Introduction	1
1.1 Background of study	3
1.2 Objective of Study	3
1.3 Problem Statement	3
1.4 Limitations of Research	5
1.5 Significance of Study	6

### CHAPTER TWO: LITERATURE REVIEW: THE LAW RELATING TO THE PROFESSIONAL NEGLIGENCE OF ARCHITECTS.

2.0 Introduction	7
2.1 Meaning of Negligence	8
2.1.1 First Meaning : State of Mind	8
2.1.2 Second Meaning : Careless Conduct	9
2.1.3 Third Meaning: Breach of Duty of Care	10
2.2 Elements of Negligence	10
2.2.1 Ascertaining the Existence Duty of Care	11
2.2.2 Foreseeability Concept	14
2.2.3 Standard of Care	15
2.2.4 Breach of Duty of Care	20
2.3 Concepts in the Law of Tort	21