



UNIVERSITI TEKNOLOGI MARA

BCT683: CONSTRUCTION LEGAL PRACTICE

Course Name (English)	CONSTRUCTION LEGAL PRACTICE APPROVED
Course Code	BCT683
MQF Credit	2
Course Description	This course provides knowledge on the legal system in Malaysia and building law currently applied in the Malaysian construction industry. The course also an introduction to the contract administration as stated in Malaysian construction contracts. Builders are required to have the knowledge on Building Laws and other relevant Acts related and applicable to the construction industry. Students will be exposed to building contracts (standards forms, defects liability, etc.), payments (including advance payment, LAD, progress), alternative disputes resolutions, and other laws relating to construction development.
Transferable Skills	Law in relation to construction
Teaching Methodologies	Lectures, Tutorial
CLO	<p>CLO1 Apply the fundamental knowledge of the Malaysian Legal System, the law of Contract and Tort in construction industry</p> <p>CLO2 Intergrate value and professional attitude in relation with Building Acts and Regulations during pre-construction to post construction stage in construction industry.</p> <p>CLO3 Analyse the appropriate clauses in the Standard Forms of Building Contract in construction industry</p>
Pre-Requisite Courses	No course recommendations
Topics	
1. 1.0 Introduction to Malaysian Legal System 1.1) • Sources of law and doctrine of judicial precedent 1.2) • The administration of justice; the court system	
2. 2.0 Law of Contract 2.1) • Formation of contract, breach and repudiation 2.2) • Terms of a Contract 2.3) • Contracts which are not binding 2.4) • Discharge of contracts 2.5) • Remedies	
3. 3.0 Law of Tort 3.1) • Negligence 3.2) • Nuisance 3.3) • Trespass 3.4) • Occupiers liability 3.5) • Remedies	
4. 4.0 Building Acts / Regulations related to construction 4.1) • Uniform Building By-Laws (UBBL)1984 4.2) • Housing Development Act 4.3) • Street, Drainage and Building Act 1974 4.4) • Environmental Quality Act 1974	

5. 5.0 Contract Administration

- 5.1) • Introduction to Contract Administration
- 5.2) • The roles and responsibilities of the administrator
- 5.3) • Introduction to Standard Form of Contract: JKR (PWD) Standard Form of Contract 203(A), Rev 10/83
- 5.4) • PAM 2006 Standard Form of Contract (with quantities)
- 5.5) • Introduction to CIDB Standard Form of Contract, Design and Build Contract, Institute of Civil Engineer (ICE), Management Contracting (MC) and FIDIC
- 5.6) • Overview on others construction procurement strategy: Build Operation Transfer (BOT), Privatization and Private Financial Initiatives (PFI)

6. 6.0 Important Clauses in Standard JKR and PAM Forms:

- 6.1) • Contract documentation
- 6.2) • Articles of agreement, definition, etc.
- 6.3) • Powers and duties of an Architect/SO
- 6.4) • Issuing instruction
- 6.5) • Dealing with payment
- 6.6) • Dispute and Dispute Resolution
- 6.7) • Dealing with completion and possession
- 6.8) • Issuing certificates
- 6.9) • Extension of time
- 6.10) • Loss and expense: LAD
- 6.11) • Variations

Assessment Breakdown		%		
Continuous Assessment		100.00%		
Details of Continuous Assessment	Assessment Type	Assessment Description	% of Total Mark	CLO
	Assignment	Assignment 1	30%	CLO1
	Assignment	Assignment 2	30%	CLO2
	Assignment	Assignment 3	40%	CLO3
Reading List	Reference Book Resources	<ul style="list-style-type: none"> • Aun, W., M. 1999, <i>Malaysian Legal System</i>, 2nd Edition Ed., Longman Kuala Lumpur. • Rajoo, S. 1999, <i>The Malaysian Standard Form of Building Contract (The PAM 1998 Form)</i>, MLJ Kuala Lumpur • Murdoch, J., & Hughes, W 2008, <i>Construction Contracts: Law and Management</i>, 4thEdition Ed., E & FN Spon USA • Clough, R., H., & Sears, G., A., & Sears, S., K. 2005, <i>Construction Contracting: A Practical Guide To Company Management</i>, John Wiley & Sons New Jersey • Pertubuhan Arkitek Malaysia 2006, <i>PAM Contract 2006 (With Quantities)</i>, PAM Malaysia • Fong, L., C. 2004, <i>The Malaysian PWD Form Of Construction Contract</i>, Sweet & Maxwell Malaysia • Chappell, D., Smith, V., P., & Sims, J. 2005, <i>Building Contract Claim</i>, 4th Edition Ed., Blackwell Publishing Australia 		
Article/Paper List	This Course does not have any article/paper resources			
Other References	This Course does not have any other resources			