Training course on Construction Law and Dispute Resolution

Professional Development Training Course Outline

Category	Legal Institute	**Duration**	10 Days
Base Fee	$1,500 USD	**Delivery Mode**	Online / On-site Hybrid

Course Introduction

The construction industry is globally recognized for its immense complexity, high financial stakes, and inherent propensity for disputes. From intricate contractual arrangements to unforeseen site conditions, technological challenges, and evolving regulatory landscapes, construction projects are fertile ground for disagreements that can lead to significant delays, cost overruns, and even project failure. A profound understanding of construction law is therefore not merely a compliance requirement but a strategic necessity for all stakeholders, enabling them to navigate complex contractual obligations, allocate risks effectively, and ensure the smooth progression of development. The unique nature of construction often involves diverse parties ? owners, contractors, subcontractors, architects, engineers, and suppliers ? each with distinct interests and responsibilities, making a robust legal framework and effective dispute resolution mechanisms paramount to project success. Training Course on Construction Law and Dispute Resolution is meticulously designed to equip legal professionals, project managers, and industry practitioners with the advanced insights and practical tools needed to proactively manage risks, prevent conflicts, and competently resolve disputes in this dynamic and high-value sector, safeguarding investments and fostering collaborative project delivery. This course delves deeply into the practical application of key legal principles governing construction contracts, from standard forms like FIDIC and NEC to bespoke agreements, emphasizing critical areas such as claims management, delay analysis, defect liability, and payment issues. Recognizing that disputes are an inevitable part of the construction lifecycle, the program places significant emphasis on equipping participants with expertise in various alternative dispute resolution (ADR) methods, including adjudication, arbitration, and mediation, alongside the intricacies of construction litigation. Participants will gain crucial skills in evidence management, expert witness handling, and strategic negotiation tailored to the industry's unique challenges. By exploring contemporary issues like sustainable construction, digital transformation, and the impact of insolvency, attendees will develop the strategic acumen to effectively advise clients, mitigate legal exposure, and drive efficient dispute settlement, ultimately contributing to greater contract administration excellence and building a more resilient and predictable construction environment rooted in legal compliance and ethical practice.

Programme Curriculum

Training Course on Construction Law and Dispute Resolution

Introduction

The **construction industry** is globally recognized for its immense complexity, high financial stakes, and inherent propensity for **disputes**. From intricate contractual arrangements to unforeseen site conditions, technological challenges, and evolving regulatory landscapes, **construction projects** are fertile ground for disagreements that can lead to significant delays, cost overruns, and even project failure. A profound understanding of **construction law** is therefore not merely a compliance requirement but a strategic necessity for all stakeholders, enabling them to navigate complex **contractual obligations**, allocate **risks** effectively, and ensure the smooth progression of development. The unique nature of construction often involves diverse parties – owners, contractors, subcontractors, architects, engineers, and suppliers – each with distinct interests and responsibilities, making a robust legal framework and effective **dispute resolution mechanisms** paramount to project success. **Training Course on Construction Law and Dispute Resolution** is meticulously designed to equip legal professionals, project managers, and industry practitioners with the advanced insights and practical tools needed to proactively manage risks, prevent conflicts, and competently resolve disputes in this dynamic and high-value sector, safeguarding investments and fostering collaborative project delivery.

This course delves deeply into the practical application of key legal principles governing **construction contracts**, from standard forms like **FIDIC** and **NEC** to bespoke agreements, emphasizing critical areas such as **claims management**, **delay analysis**, **defect liability**, and payment issues. Recognizing that disputes are an inevitable part of the construction lifecycle, the program places significant emphasis on equipping participants with expertise in various **alternative dispute resolution (ADR)** methods, including **adjudication**, **arbitration**, and **mediation**, alongside the intricacies of **construction litigation**. Participants will gain crucial skills in evidence management, expert witness handling, and strategic negotiation tailored to the industry's unique challenges. By exploring contemporary issues like **sustainable construction**, digital transformation, and the impact of insolvency, attendees will develop the strategic acumen to effectively advise clients, mitigate legal exposure, and drive efficient **dispute settlement**, ultimately contributing to greater **contract administration** excellence and building a more resilient and predictable construction environment rooted in **legal compliance** and ethical practice.

Course Objectives

Upon completion of this course, participants will be able to:

1. Analyze the foundational principles and **legal frameworks** governing **construction contracts**.
2. Evaluate different **standard form contracts** (FIDIC, NEC, JCT) and their strategic implications.
3. Master the principles of **contract interpretation**, **administration**, and **payment mechanisms**.
4. Develop comprehensive strategies for **claims management**, including **delay analysis** and disruption.
5. Understand **defect liability periods**, warranties, and legal remedies for **defective work**.
6. Apply principles of **risk management**, **force majeure**, and insurance in construction projects.
7. Navigate the legal intricacies of **contract termination** and its consequences.
8. Differentiate between various **construction dispute resolution** mechanisms (ADR, litigation).
9. Master the legal and practical aspects of **adjudication** in construction.
10. Understand the process and strategic use of **arbitration** in complex construction disputes.

11. Formulate effective **litigation strategies**, including expert evidence and trial preparation.
12. Identify and address emerging legal issues in **sustainable construction** and digital technologies.
13. Enhance **contract administration** skills to proactively prevent and manage disputes.

Target Audience

This course is designed for a broad range of professionals involved in the construction and legal sectors who seek to enhance their expertise in construction law and dispute resolution:

1. **Construction Managers:** Project managers, site managers, and construction directors.
2. **Quantity Surveyors:** Professionals involved in cost management, claims, and valuation.
3. **Engineers and Architects:** Design professionals needing to understand legal and contractual liabilities.
4. **Contract Administrators:** Specialists responsible for managing contract terms and conditions.
5. **Legal Professionals:** Lawyers, barristers, paralegals, and in-house counsel specializing in construction, commercial, or dispute resolution law.
6. **Developers and Owners:** Those commissioning construction projects.
7. **Contractors and Subcontractors:** Companies and individuals involved in executing construction works.
8. **Dispute Resolution Practitioners:** Arbitrators, adjudicators, and mediators handling construction disputes.

Course Duration: 10 Days

Course Modules

Module 1: Foundations of Construction Law and Industry Context

- Nature and Characteristics of Construction Projects
- Key Stakeholders in the Construction Industry and Their Roles
- Sources of Construction Law: Statutes, Common Law, Regulations, Contract
- Fundamental Principles of Construction Law: Certainty, Risk Allocation, Good Faith
- Overview of the Global Construction Market and its Legal Environment

Module 2: Construction Contracts: Forms, Formation, and Parties

- Types of Construction Contracts: Lump Sum, Cost-Plus, Design-Build, Management Contracts
- Standard Form Contracts: FIDIC (Red, Yellow, Silver Books), NEC (Option A-F), JCT, AIA
- Formation of a Valid Construction Contract: Offer, Acceptance, Consideration, Intention
- Letters of Intent, Framework Agreements, and Their Legal Implications
- Contracting Parties: Roles, Responsibilities, and Liabilities

Module 3: Contract Interpretation, Administration, and Payment

- Principles of Contract Interpretation: Literal Rule, Golden Rule, Contra Proferentem
- Roles of Contract Administrators: Engineer, Architect, Project Manager, Quantity Surveyor
- Notices, Certificates, and Instructions: Legal Significance and Compliance
- Variations and Changes: Legal Framework for Scope Alterations
- Payment Mechanisms: Interim Payments, Final Account, Retention, Pay-When-Paid Clauses

Module 4: Claims Management: Delays and Disruptions

- Types of Delays: Excusable, Non-Excusable, Compensable, Non-Compensable
- Legal Principles of Delay Analysis: Critical Path Method (CPM), As-Planned vs. As-Built

- Disruption Claims: Causes, Measurement of Loss of Productivity, Legal Basis
- Extension of Time (EOT) Claims: Entitlement, Notification, and Substantiation
- Liquidated Damages (LDs) and Penalties: Enforceability and Defenses

Module 5: Claims Management: Defects and Performance

- Identification of Defects: Patent and Latent Defects
- Defect Liability Periods, Warranties, and Guarantees
- Legal Remedies for Defective Work: Rectification, Damages for Breach, Specific Performance
- Performance Bonds and Guarantees: Types (e.g., On-Demand, Conditional) and Enforcement
- Professional Negligence Claims against Design Professionals and Consultants

Module 6: Risk Management and Insurance in Construction

- Identification, Allocation, and Mitigation of Risks in Construction Contracts
- Force Majeure, Frustration, and Changed Conditions Clauses
- Types of Construction Insurance: Contractor's All Risks (CAR), Professional Indemnity (PI), Public Liability (PL)
- Indemnities and Limitations of Liability Clauses: Drafting and Enforceability
- Legal Aspects of Health, Safety, and Environmental Risks (HSE) on Construction Sites

Module 7: Termination of Construction Contracts

- Grounds for Termination: Breach of Contract, Insolvency, Convenience, Frustration
- Legal Procedures for Valid Termination: Notices, Curing Periods
- Consequences of Lawful and Unlawful Termination: Rights and Liabilities
- Valuation of Work Done upon Termination
- Remedies for Wrongful Termination and Damages Assessment

Module 8: Overview of Construction Dispute Resolution Mechanisms

- Hierarchy of Dispute Resolution: From Negotiation to Litigation
- Multi-Tiered Dispute Resolution Clauses: Step Clauses
- Negotiation and Mediation in Construction Disputes: Facilitative vs. Evaluative
- Role of Dispute Boards (DBs) and Dispute Adjudication Boards (DABs)
- Expert Determination and Neutral Evaluation

Module 9: Construction Adjudication Law and Practice

- Legal Framework for Adjudication (e.g., specific national statutes, contractual provisions)
- Key Principles of Adjudication: Interim Binding Nature, Speed, Enforceability
- The Adjudication Process: Referral, Response, Reply, Decision
- Enforcement of Adjudicator's Decisions by Courts
- Practical Strategies for Preparing for and Participating in Adjudication

Module 10: Construction Arbitration Law and Practice

- Arbitration Agreements in Construction Contracts: Drafting and Validity
- Applicable Arbitration Laws: UNCITRAL Model Law, National Arbitration Acts
- Commencement of Arbitration and Appointment of Arbitrators
- Arbitral Proceedings: Pleadings, Discovery, Hearings, Evidence (e.g., Expert Witness Protocol)
- Challenging and Enforcing Arbitral Awards in Construction Disputes

Module 11: Construction Litigation and Evidence

- Commencing Construction Litigation: Pleadings and Case Management
- Discovery and Disclosure in Large-Scale Construction Disputes: Managing Voluminous Documents, E-Discovery
- Role and Management of Expert Witnesses in Construction Litigation (Delay, Quantum, Technical)
- Trial Preparation: Witness Examination, Exhibits, Trial Graphics
- Appeals and Enforcement of Court Judgments in Construction Cases

Module 12: Emerging Issues and Future Trends in Construction Law

- Sustainable Construction and Green Building Regulations: Legal and Contractual Implications
- Building Information Modeling (BIM) and its Legal Challenges (e.g., liability, IP)
- Smart Contracts and Blockchain Technology in Construction Transactions
- Insolvency in Construction: Legal Implications for Project Continuity and Rights
- Cybersecurity, Data Protection, and Digital Forensics in Construction Projects

Training Methodology

- **Interactive Workshops:** Facilitated discussions, group exercises, and problem-solving activities.
- **Case Studies:** Real-world examples to illustrate successful community-based surveillance practices.
- **Role-Playing and Simulations:** Practice engaging communities in surveillance activities.
- **Expert Presentations:** Insights from experienced public health professionals and community leaders.
- **Group Projects:** Collaborative development of community surveillance plans.
- **Action Planning:** Development of personalized action plans for implementing community-based surveillance.
- **Digital Tools and Resources:** Utilization of online platforms for collaboration and learning.
- **Peer-to-Peer Learning:** Sharing experiences and insights on community engagement.
- **Post-Training Support:** Access to online forums, mentorship, and continued learning resources.

Register as a group from 3 participants for a Discount

Send us an email: info@fineskilltrainingcenter.org or call +254769199797

Certification

Upon successful completion of this training, participants will be issued with a globally recognized certificate.

Tailor-Made Course

We also offer tailor-made courses based on your needs.

Key Notes

- Participants must be conversant in English.
- Upon completion of training, participants will receive an Authorized Training Certificate.
- The course duration is flexible and can be modified to fit any number of days.
- Course fee includes facilitation, training materials, 2 coffee breaks, bu

Upcoming Scheduled Sessions

Start Date	End Date	Location	Price
23 Nov 2026	04 Dec 2026	Online	$2,000
23 Nov 2026	04 Dec 2026	Physical	$3,000
23 Nov 2026	04 Dec 2026	Physical	$6,000
23 Nov 2026	04 Dec 2026	Physical	$6,000
23 Nov 2026	04 Dec 2026	Physical	$12,000
23 Nov 2026	04 Dec 2026	Physical	$9,000
23 Nov 2026	04 Dec 2026	Physical	$12,000
23 Nov 2026	04 Dec 2026	Physical	$12,000

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