

Joint Courses on Construction Law and ADR

Jointly organised by:

Institution of Engineers Malaysia (IEM);

Malaysian Institute of Arbitrators (MIArb);

Pertubuhan Akitek Malaysia (PAM); and

Royal Institution of Surveyors Malaysia (RISM)

Stay
tuned for
the next 4
parts!

PART 1: CONSTRUCTION LAW

Date: 17 and 18 May 2013

9.00am to 5.30pm Wisma IEM

Construction personnel such as Architects, Engineers, Quantity Surveyors and Contractors have to deal with construction law in their daily work. They are involved in, one way or another, various areas of law such as the law of contract, law of tort etc in their work. For example an engineer working in a consulting firm or a construction company will have to deal with tender documents, Letters of Award, delays, liquidated ascertained damages and so much more almost every day in their work. Similarly, an architect and a quantity surveyor will have to deal with these same issues when they are acting as contract administrator of construction project. They have to deal with various common problems encountered in construction projects. As employers and clients are becoming more litigious nowadays, the potential of construction personnel facing a claim for breach of contract or breach of duty of care under the tort of negligence has increased accordingly.

The basic doctrine of contract law is that the contracting parties should keep to their promises whilst for the law of tort; the gist is essentially that people should conduct themselves so as to avoid inflicting injury onto others. The rights and liabilities of parties under a contract can be established based on the contract that parties have entered into. However in the absence of an agreement, one party may still be held liable to another under the law of tort; notwithstanding that parties have never executed any agreement between them.

Engineers are involved frequently with land issue in their work; hence the need to be familiar with land law. They are required to deal with workers and employees, accordingly have to be well-versed with employment law. There are also much legislation that affects the engineering profession such as Uniform Building By-Law, Street, Drainage and Building Act, CIDB Act etc.

Disputes are often unavoidable in most of the engineering work, be it a construction contract or a simple renovation or supply contract. To a certain extent, it is said that disputes are inevitable in construction projects which predominantly arise from the complexity and magnitude of the work involved, multiple contracting parties, poorly prepared and executed contract documents, financial issues and communication problems. Any one of these factors could lead to time over-run, increased costs, and a breakdown in the parties' common objective to complete the project on time.

This seminar aims to provide an overview of the laws which are relevant to the construction industry and this will be useful to the parties in executing their work.

Benefits

- Gain a better understanding of formation of contract
- Able to avoid pit falls in managing construction and other types of contracts
- Understand the remedies available upon breach of contract
- Appreciate law of tort that relates to construction work
- To understand negligence issues pertaining to professionals
- Understand the common problems of construction contract
- Gain some knowledge on the basic law relating to land and its dealing

SPEAKER



Ir. Lai Sze Ching graduated as a Mechanical Engineer from the University of Malaya. He also holds LL.B degree from the University of London and LL.M from the University of Malaya, majoring in Alternative Dispute Resolution, Arbitration Law, Remedy, Civil Procedure and Construction Law. In addition he also holds a Certificate of Legal Practice from the Qualifying Board of Malaysia

Ir. Lai has more than 30 years working experience in the field of water supply, wastewater treatment and infrastructure work. He is currently the Managing Director of an engineering firm. Ir. Lai had been invited to deliver papers on water supply and sewage treatment in various international seminars and conferences. He has conducted talks on the law of contract and various issues of Construction Law to IEM, local companies and Universities.

Being an accreditator of Engineering Accreditation Council Malaysia, he is also actively involved in the accreditation of local engineering programmes. He is currently a member of the Industry Advisory Panel for University Malaysia Pahang and Multimedia University. Ir Lai is also a member of the Board of Studies for University of Pahang Malaysia and the Student Ambassador for the External Law Programme of University of London.

Day 1

0830-0900	Registration
0900-1030	General Principles of Law of Contract – Part I
1030-1045	Tea Break
1045-1200	General Principles of Law of Contract – Part II
1200-1300	Lunch
1300-1400	Vitiating Elements of Formation of Contract
1400-1500	Discharge of a Contract Remedies for breach of Contract
1500-1545	Miscellaneous Issues in the Law of Contract
1545-1600	Tea Break
1600-1700	Law of Tort Remedies under Tort

Day 2

0830-0900	Registration
0900-1030	Professional Negligence Common Problems of construction contracts
	<ul style="list-style-type: none"> • Contractor's Obligations • Employer's Duties
1030-1045	Tea Break
1045-1130	<ul style="list-style-type: none"> • Completion of Contract • Time for Completion
1130-1300	<ul style="list-style-type: none"> • Practical Completion • Delay
1300-1400	Lunch
1400-1500	<ul style="list-style-type: none"> • Extension of Time
1500-1545	<ul style="list-style-type: none"> • Variation Order • Valuation of variations
1545-1600	Tea Break
1600-1700	<ul style="list-style-type: none"> • Liquidated & Ascertained Damages

REGISTRATION

REGISTRATION FEE

Members of any Joint Organizing Institution (IEM/PAM/RISM/MIArb) : RM750.00

Others : RM950.00

(Fee includes materials, lunch and refreshments)

REGISTRATION FORM

Title: Tan Sri / Dato' /Datuk / Ir. /Prof /Dr / Mr / Mdm / Ms

Name:

Profession:

Name of Business or Employer:

Address:

Tel: Fax: H/P:

Email:

Institution Name & Membership Number:

Signature _____ Date: _____

Enclosed is cheque No. _____ for RM _____ being payment for the Registration fee.

All cheques should be crossed A/C Payee only and made payable to:

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Kindly return completed form with payment to:

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P.O. Box 223 (Jalan Sultan),

46720 Petaling Jaya,

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Cancellation

Registration fees paid are not refundable once The Institution of Engineers Malaysia accepts registration. Substitution of participant for the Course will be allowed. The organiser reserves the right to: (i) change the programme/venue at any time; (ii) cancel or postpone the event at any time and under such circumstances, will refund registration fees in full. Photostat copies of registration forms are acceptable.

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