Programme in Construction Adjudication

Presented by the Department of Construction Economics in co-operation with MDA Consulting (Pty) Ltd.

(P002828)

BRIEF DESCRIPTION

Adjudication has for several years been implemented by the South African construction industry as the preferred “on the run” dispute resolution procedure.

The South African High Court’s robust approach to enforcing adjudicators’ decisions, typified by Mr Justice Spilg’s statement in Esor Africa (Pty) Ltd/Franki Africa (Pty) Ltd JV v Bombela Civils JV that “The court is required to give effect to the terms of the decision made by the adjudicator”, has ensured adjudication has become entrenched in South African jurisprudence.

The Construction Industry Development Board’s proposed “Prompt Payment Regulations and Adjudication Standard” governing payments and introducing mandatory statutory adjudication under construction works contracts in both the public and private sectors shall profoundly change the way the South African construction industry operates.

Now in its fourth year the Certificate Programme in Construction Adjudication examines adjudication practice in the South African construction industry and is specifically tailored to produce the highest standard of competent and qualified adjudicators who between disputing parties, in the words of Mr Justice Jackson, are properly equipped to “… find some sensible resolution of their problem” enabling them to “… then get back to their real business”.

COURSE CONTENT

Module One (A): Introduction to South African Law and Legal Theory (For Non-Lawyers) or Module One (B): Construction Practice and Technology (For Lawyers)

Module Two: South African and International Construction Law - Principles and Application – including an in-depth study of the four CIDB endorsed standard form construction contracts (All delegates)

Module Three: Construction Claims and Disputes (All delegates)

Module Four: Dispute Resolution and Adjudication Procedure and Practice (All delegates)

1. An unreported judgment of the South Gauteng High Court dated 12 February 2013 at paragraph 15


2016 CONTACT DATES

5 & 6 Feb
4 & 5 March
8 & 9 April
13 & 14 May
10 & 11 June
8 & 9 July
12 & 13 Aug
9 & 10 Sep
Exam 11 and 13 Oct

CATALOGUE CATEGORY:
Built Environment, Property, Urban and Regional Planning

DELIVERY MODE:
Contact classes

COURSE FEE:
R43 630 per delegate (incl. VAT)
The course fee includes course notes and lunches. Contract books are included in the course fee.

IMPORTANT NOTICE:
Proof of qualifications and experience should be submitted with the enrolment form.

REGISTRATION AND ENQUIRIES:
CE at UP Information Centre
Tel: +27 (012) 434 2500
Email: info@ce.up.ac.za

COURSE CONTENT INFORMATION:
Prof Tinus Maritz
Tel: +27 (012) 420 4972
Email: tinus.maritz@up.ac.za

Vaughan Hattingh
Tel: +27(11) 648 9500
Email: vhattingh@mdaconsulting.co.za

www.ce.up.ac.za

Contact us: Tel: +27 (0)12 434 2500 Fax: +27 (0)12 434 2505 Email: info@ce.up.ac.za
For customised courses: Email quote@ce.up.ac.za for quotations on in-house training.
WHO SHOULD ATTEND

The Programme is specifically designed for both construction and legal professionals who have experience in the construction industry and currently advise and/or assist and/or represent parties to construction adjudications and construction disputes, practice as adjudicators themselves, intend practicing as adjudicators or have a particular interest in construction law, claims and contracts.

COURSE MATERIAL AND LAW LIBRARY ACCESS

Delegates will be provided with the following documents (included in the registration fee of the course) over and above the comprehensive course notes, case studies and lecturers’ presentations that will be uploaded on UP’s clickup system:

- NEC3: New Engineering and Construction Contract (Black Book) (April 2013)

Delegates will be registered free of charge at UP’s Law Library providing delegates with access and support service during the course duration.

LEARNING OUTCOMES

The certificate programme shall:

- Equip delegates who have a non-legal construction background with a working knowledge of the South African legal system and South African law
- Equip delegates who have a legal background with a working knowledge of construction practice and technology
- Provide all delegates with an understanding of the nature, extent and application of South African construction law in the formulation of construction claims and the prosecution and defence of construction claims
- Comprehensive overview of the four CIDB endorsed standard form construction contracts in use in South Africa
- Consider the methods for avoiding or resolving construction disputes including construction adjudication, alternative dispute resolution, arbitration and litigation
- Provide an overview, examine and compare the current statutory framework for construction adjudication applied in various countries
- Analyse the nature, extent and application of contractual adjudication as is being practically implemented through the South African construction industry and it’s inter relationship with the various forms of construction contracts
- Examine the various initiatives and steps being implemented to promote the application of construction adjudication and put in place a statutory framework for construction adjudication in South Africa
- Consider the procedural and drafting issues that arise through construction adjudications
- Examine the techniques and requirements necessary for producing an enforceable award