Unit 9: Law and Contract for Construction and the Built Environment

Unit code: R/601/1257
QCF level: 4
Credit value: 15

● **Aim**

This unit provides learners with an opportunity to gain a knowledge and understanding of the principles and procedures of law as applied to the construction and built environment sector.

● **Unit abstract**

This unit will enable learners to develop an understanding of the national legal system, the Law of Contract and the liabilities and responsibilities of each party to a contract. Learners will also develop a working knowledge of the legal principles, procedures and requirements relating to the different types of contract used when undertaking national or international construction or civil engineering projects.

● **Learning outcomes**

On successful completion of this unit a learner will:

1. Understand the principles and procedures of law and legislation as applied to the construction and built environment sector
2. Understand the liabilities and responsibilities of parties to construction contracts
3. Know the principles and procedures of law used to ensure the effective organisation and practice of construction companies
4. Know the legal principles and requirements used when undertaking construction projects in Europe.
1 **Understand the principles and procedures of law and legislation as applied to the construction and built environment sector**

*Construction law*: the workings of the national legal system; the legal structures; principles of arbitration; alternative dispute resolution (ADR) and adjudication; Common Law; industrial tribunals; the nature of tort; the law of tort (significance for the construction and built environment sector); negligence; nuisance; trespass; statutory duties; liability

2 **Understand the liabilities and responsibilities of parties to construction contracts**

*Liabilities and responsibilities*: concept of contract as enforceable agreement; identification of main parties to contract; description of the responsibilities of main parties; contractual liabilities of main parties

3 **Know the principles and procedures of law used to ensure the effective organisation and practice of construction companies**

*Law relating to organisation and practice of construction companies*: company law; legal status of companies; employment law; law of land and property; sale; purchase and rental of goods; health, safety and welfare; employer liability; sub-contractor tax requirements

4 **Know the legal principles and requirements used when undertaking construction projects in Europe**

*European legal requirements*: principal requirements of the European legal system; tort; employment law; company law; contract law
### Learning outcomes and assessment criteria

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<tr>
<th>Learning outcomes</th>
<th>Assessment criteria for pass</th>
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<tr>
<td><strong>On successful completion of this unit a learner will:</strong></td>
<td><strong>The learner can:</strong></td>
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| LO1  Understand the principles and procedures of law and legislation as applied to the construction and built environment sector | 1.1 explain how the national legal system applies to the construction and built environment sector  
1.2 explain the legal structure and its procedures  
1.3 explain the significance of common law to the construction and built environment sector  
1.4 discuss the effect of the law of tort on the construction and built environment sector  
1.5 compare the methods of alternative dispute resolution ADR and the industrial tribunal process |
| LO2  Understand the liabilities and responsibilities of parties to construction contracts | 2.1 evaluate the roles and responsibilities of the main parties to construction contracts  
2.2 analyse the contractual liabilities of the main parties to construction contracts |
| LO3  Know the principles and procedures of law used to ensure the effective organisation and practice of construction companies | 3.1 describe how company law affects the operation of construction companies  
3.2 describe how employment law affects the operation of construction companies |
| LO4  Know the legal principles and requirements used when undertaking construction projects in Europe | 4.1 describe how European legal requirements affect the operation of construction companies |
**Guidance**

**Links**
This unit links with other Edexcel BTEC HN Construction and the Built Environment units, for example:
- Unit 6: Health, Safety and Welfare for Construction and the Built Environment
- Unit 11: Contractual Procedures and Procurement for Construction and the Built Environment
- Unit 17: Project Management for Construction and the Built Environment
- Unit 57: Project Management for Building Services Engineering.
The content of this unit has been designed and mapped against the current CIC National Occupational Standards and the current NVQs at levels 4 and 5. Completion of the learning outcomes will contribute knowledge, understanding and skills towards the evidence requirements of the NVQs.
- See Annexe B for summary of mapping information to NVQs.
This unit has also been mapped to illustrate the links to the NQF units.
- See Annexe D for summary of mapping information to NQF units.

**Essential requirements**
It is important that learners have access to the main types of building and engineering contracts and use these where appropriate. These contracts should be current or include amendments where necessary.
It is essential that a culture of health and safety is embedded in all the units to ensure that the learners understand the importance and relevance of health and safety issues. Therefore there should be clearly signposted aspects of current legislation and health, safety and welfare implications throughout the delivery and assessment of this unit.

**Employer engagement and vocational contexts**
Tutors should organise presentations by visiting speakers, for example arbitrators and expert witnesses to explain their role in the legal process.