
Professional Certificate in Construction Legal Compliance (United Kingdom)

Procurement Law and Practice

****Adjudication****

Adjudication is a statutory dispute resolution process in the United Kingdom, introduced by the Housing Grants, Construction and Regeneration Act 1996 (as amended), to enable quick and cost-effective resolution of construction disputes. It is a mandatory process for construction contracts, and the adjudicator's decision is binding until a subsequent court order or arbitration award.

Related terms: Dispute Resolution, Housing Grants, Construction and Regeneration Act 1996, Adjudicator

****Adjudicator****

An adjudicator is an impartial third party appointed to resolve disputes in construction contracts through adjudication. The adjudicator's role is to provide a swift and binding decision on the dispute, which remains in force until challenged in court or arbitration.

Related terms: Adjudication, Dispute Resolution

****Arbitration****

Arbitration is a dispute resolution process in which an impartial third party, the arbitrator, considers evidence presented by both parties, and makes a binding decision. Arbitration is often used in construction contracts as an alternative to litigation, providing a more flexible and confidential process.

Related terms: Dispute Resolution, Litigation, Arbitrator

****Arbitrator****

An arbitrator is an impartial third party appointed to resolve disputes through arbitration. The arbitrator's decision, called an award, is legally binding and enforceable.

Related terms: Arbitration, Dispute Resolution

****Collateral Warranty****

A collateral warranty is a contract between a party involved in a construction project, such as a contractor or consultant, and a third party who is not a direct party to the construction contract. The warranty provides assurance that the work carried out complies with contractual obligations, and is often used to protect the interests of funders, tenants, and purchasers.

Related terms: Construction Contract, Consultant, Contractor, Funders, Tenants, Purchasers

****Conditions of Contract****

Conditions of contract refer to the standard terms and conditions that govern the relationship between the parties in a construction contract. These conditions typically cover issues such as payment, variation, termination, liability, and dispute resolution.

Related terms: Construction Contract, Payment, Variation, Termination, Liability, Dispute Resolution

****Construction Contract****

A construction contract is a legally binding agreement between a contractor and a client that outlines the terms and conditions of a construction project. Construction contracts typically cover issues such as scope of work, payment, variation, termination, liability, and dispute resolution.

Related terms: Conditions of Contract, Scope of Work, Payment, Variation, Termination, Liability, Dispute Resolution

****Consultant****

A consultant is a professional who provides expert advice and services to a construction project. Consultants may include architects, engineers, surveyors, and project managers.

Related terms: Construction Contract, Contractor, Architect, Engineer, Surveyor, Project Manager

****Contractor****

A contractor is a person or organization that enters into a construction contract with a client to carry out construction work.

Related terms: Construction Contract, Consultant

****Delay and Disruption****

Delay and disruption refer to events that cause a project to be delayed or disrupted, resulting in additional costs or time being required to complete the project. Delay and disruption can be caused by a variety of factors, including weather, labor disputes, material shortages, and design changes.

Related terms: Construction Contract, Variation, Termination

****Dispute Resolution****

Dispute resolution is the process of resolving disputes between parties in a construction contract. Dispute resolution methods include negotiation, mediation, adjudication, arbitration, and litigation.

Related terms: Negotiation, Mediation, Adjudication, Arbitration, Litigation

****Funders****

Funders are parties who provide financial resources for a construction project. Funders may include banks, building societies, and other financial institutions.

Related terms: Collateral Warranty, Construction Contract

****Joint Venture****

A joint venture is a partnership between two or more parties who come together to undertake a construction project. Joint ventures are typically used when the project is too large or complex for a single party to undertake alone.

Related terms: Construction Contract, Partnership

****Letter of Intent****

A letter of intent is a document that outlines the terms and conditions under which a construction project will be undertaken, before a formal construction contract is signed. A letter of intent is not legally binding, but it can create legal obligations if it is not clearly stated that it is not intended to be a contract.

Related terms: Construction Contract, Terms and Conditions

****Liability****

Liability refers to the legal responsibility of a party for their actions or omissions. In construction contracts, liability may be limited or excluded through contractual terms and conditions.

Related terms: Construction Contract, Conditions of Contract

****Litigation****

Litigation is the process of resolving disputes through the courts. Litigation is often seen as a last resort in construction disputes due to its high cost and time-consuming nature.

Related terms: Dispute Resolution, Adjudication, Arbitration

****Mediation****

Mediation is a dispute resolution process in which an impartial third party, the mediator, helps the parties to a construction dispute to negotiate a settlement. Mediation is a voluntary process, and the mediator's role is to facilitate communication and negotiation between the parties.

Related terms: Dispute Resolution, Negotiation, Adjudication, Arbitration

****Negotiation****

Negotiation is the process of resolving disputes through direct communication and discussion between the parties. Negotiation is often the first step in dispute resolution, and it can be a quick and cost-effective way of resolving disputes.

Related terms: Dispute Resolution, Mediation, Adjudication, Arbitration

****Payment****

Payment refers to the amount of money paid to a contractor for carrying out construction work. Payment terms and conditions are typically set out in the construction contract.

Related terms: Construction Contract, Conditions of Contract

****Purchasers****

Purchasers are parties who buy a completed construction project. Purchasers may require collateral warranties to ensure that the work carried out complies with contractual obligations.

Related terms: Collateral Warranty, Construction Contract

****Scope of Work****

The scope of work refers to the work that is to be carried out under a construction contract. The scope of work is typically set out in the construction contract, and it may include detailed specifications, drawings, and schedules.

Related terms: Construction Contract, Conditions of Contract

****Standard Form of Contract****

A standard form of contract is a pre-prepared contract that is widely used in the construction industry. Standard forms of contract are often produced by professional bodies or industry organizations, and they provide a consistent and fair framework for construction contracts.

Related terms: Construction Contract, Conditions of Contract

****Termination****

Termination refers to the ending of a construction contract before the work has been completed. Termination may be carried out by either party, and it may be due to a breach of contract, a failure to perform, or a mutual agreement.

Related terms: Construction Contract, Conditions of Contract, Breach of Contract

****Variation****

Variation refers to any change to the scope of work or the conditions of contract that is agreed between the parties. Variations may be carried out for a variety of reasons, including changes in design, unforeseen circumstances, or errors.

Related terms: Construction Contract, Conditions of Contract, Scope of Work

****Warranty****

A warranty is a contractual promise that the work carried out will comply with a certain standard. Warranties may be given by contractors, consultants, or manufacturers, and they may be express or implied.

Related terms: Collateral Warranty, Construction Contract, Conditions of Contract, Contractor, Consultant, Manufacturer