



Virtual Module 1 Law, Practice and Procedure in Construction Adjudication

What is the aim of the course?

The aim of this course is to provide students with an in-depth knowledge and understanding of the law and principles of Construction Adjudication. The course focuses on legal principles, process, practice and procedure in Construction Adjudication. The course is suitable for people who are interested in Adjudication as advisors to parties in dispute and provides the basis on which those wanting to become an Adjudicator can proceed to Fellowship of Ciarb.

What are the learning outcomes?

On successful completion of this course candidates will be able to:

- explain the principles and specific legal requirements in a Construction Adjudication,
- the range and limitations of matters that may legally be adjudicated,
- the contractual nature of the appointment of an Adjudicator,
- the range and limitations of an Adjudicator's powers and jurisdiction,
- the rights, duties and responsibilities of each of those involved in an Adjudication,
- the methods of initiating and processing an Adjudication,
- the relevance of the court regarding all stages in an Adjudication,
- the requirements of an enforceable Adjudication decision
- compare and contrast Construction Adjudication legislation and practice in different jurisdictions,
- evaluate and apply the principles and legal requirements of a Construction Adjudication,

- identify, explain and apply the legal procedural principles and rules relevant to the conduct of a Construction Adjudication.

In addition, candidates will be able to:

- identify and explain in depth all the key elements of the Construction Adjudication process,
- evaluate issues and apply the law of Construction Adjudication appropriately,
- demonstrate practical skill in carrying out the tasks required in preparing and progressing an Adjudication,
- demonstrate skill in controlling Adjudication, communicating effectively with the parties, applying the relevant rules and adopting appropriate procedures.

What is covered within the syllabus?

- An overview of Dispute Resolution Processes
- The Nature and Purpose of Adjudication
- Adjudication around the World
- The UK Courts and Adjudication
- The Housing Grants, Construction and Regeneration Act 1996 (The Act)
- The Scheme for Construction Contracts (England and Wales) Regulations 1998 (as amended 2009) (The Scheme)
- Adjudication – The Process
- Adjudication – Jurisdiction
- Adjudication – Natural Justice
- Issues for the adjudicator to consider
- Key points of law and how to interpret them
- Practical guidance for the arbitrator
- Case references and examples
- Self-assessment questions

How is the course delivered?

The course is delivered over a period of three months, with a combination of private study and six virtual tutorials.

The course date advertised is the start date of the course when candidates will be required to start their private study of reading **NOT** when they attend tutorials. The virtual tutorial dates are listed on the Course Schedule.

Will the Virtual Tutorials be recorded?

Due to data protection laws, we do not guarantee that virtual tutorials will be recorded.

CIARB is committed to supporting candidates to be successful in their courses and to achieve successful outcomes in their assessments.

We therefore strongly recommend candidates attend all scheduled virtual tutorials.

Our virtual tutorials are designed to be interactive teaching and learning experiences taught by Senior Tutors who will assess your individual needs. Candidates therefore will be at a disadvantage if they do not attend all virtual tutorials.

How will I be assessed?

This assessment is completed via LearnADR, Ciarb's online learning platform. Candidates will be given 48 consecutive hours within a 5-day window to submit their answers online. Candidates must achieve a minimum overall mark of 65% to pass the assessment.

The assessment will be split into 2 parts:

Part One: Is a compulsory case study exercise with a number of questions that candidates will be required to answer worth 40 marks

Part Two: Consists of five questions, candidates are required to select and answer three questions worth 60 marks.

The assessment fee is not included in the course fee. It must be registered and paid for separately. The assessment fee is £174 inclusive of VAT.

Results are dispatched to candidates normally twelve weeks from the deadline date of the submission. Candidates will be informed of any delays.

Please note: Success in the assessment is directly linked to tutorial attendance. Please ensure you attend all of the tutorials, and engage with the tutor. The tutorials are your opportunity to ask the tutor any questions you may have and gain further understanding on any course topics you feel you need further clarity on.

What are the entry requirements?

There are no pre-requisite entry requirements for this course.

Candidates enrolling on any Ciarb course/assessment are required to ensure that their command of spoken and written English is adequate for the course/assessment for which they have applied. Ciarb does not require any evidence of this standard prior to enrolment on a course/assessment. However, it is the candidate's responsibility to ensure their English language skills are at a Professional Working Proficiency level, in order to meet the required standard when enrolling for any Ciarb course/assessment. It is recommended that candidates have achieved a standard that is, as a minimum, equivalent to the International English Language Testing System (IELTS) level 7 or a score of 94-101 in the Test

of English as a Foreign Language (TOEFL) system. *(Please note that we do not require an official IELTS or TOEFL result).*

Please contact the British Council for further details on how to improve your English skills:
<https://learnenglish.britishcouncil.org/>

What is the course fee and what does it include?

The course fee is £1230 inclusive of VAT. The fee includes registration on the course, access to virtual classrooms and study materials.

Kindly be advised that the process for scheduling assessments requires a separate booking. Additionally, it is imperative to be mindful of the specified deadline associated with the assessment booking.

What happens when I register for the course?

Upon successful registration on the course, candidates will receive confirmation they are booked on the course. Candidates will receive login details to access their course materials via LearnADR approximately 2 weeks before the course start date on the condition that 70% of the course fee has been received. The balance is payable before the course start date.

What is Ciarb's policy on cancellation of courses?

Ciarb reserves the right to cancel or change the date, venue or content of programmes and the names of speakers, lecturers and tutors. Candidates will be provided with adequate notice of any change. If Ciarb has to cancel a course, candidates will be provided with a full refund or the opportunity to transfer their registration to the next course. Should a candidate wish to cancel/defer their registration of a course, notification must be received in writing to education@Ciarb.org. Deferral charges apply. Please refer to the Fee Terms and Conditions for full details.

What is my next step when I complete the course?

On successful completion of this course and its corresponding assessment, candidates:

- may progress onto Module 2 of the Construction Adjudication pathway (eligibility dependent); and
- will be eligible to apply for Member grade membership of Ciarb and take advantage of a range of educational and professional benefits.
- Candidates are only eligible to apply for the relevant membership grade for a maximum of 2 years after having successfully completed the course & assessment.