

King's College London

MSc Construction Law & Dispute Resolution

2015 entry

1 Introduction

This Prospectus describes the MSc programme in Construction Law & Dispute Resolution taught in London by the Centre of Construction Law at King's College.

The organisation of teaching in the MSc is based on a core of nine full days of teaching for each module. These will be divided into three three-day blocks, usually Thursday-Saturday inclusive, but the second year will start with a Sunday-Tuesday three-day residential programme in Oxford to launch Module D. There are two or three additional occasions each year which may require students' attendance in London, for example formal enrolment with the College at the start of the programme, for revision exercises and examinations and for dissertation planning or supervision.

This intensive structure encourages contact and interaction between members of each student group and – a significant benefit – makes it easier for students from outside London to join the programme.

2 The Centre: background

The Centre was founded in 1987 by John Uff QC, who was its first Director (1987-1999) and founding Nash Professor of Engineering Law (1993-2002).

Our main activities are:

- the two-year part-time post-experience MSc programme, taught since 1988 at the Strand Campus
- conferences and public lectures on aspects of construction law
- an active research programme in construction law
- publications on aspects of construction law.

Our unique reference collection, now integrated into the Maughan Library in Chancery Lane, includes law reports, textbooks and technical reports relevant to construction and dispute resolution.

A key feature of the Centre is that it is interdisciplinary: our staff and students are drawn from all sides of the construction industry and its professions, including lawyers (barristers and solicitors), engineers, architects, surveyors and other related professionals, as well as those with dual qualifications in a range of fields. Another important aspect of the Centre's approach is its transnational character: to encourage dialogue between students and staff from all parts of the world on construction issues. Our intensive weekend modules foster participation by students not resident in London.

We maintain good relations with other bodies active in the field of construction law in the UK and abroad. The Centre has close links with the UK Society of Construction Law (SCL), the Chartered Institute of Arbitrators and the Worshipful Company of Arbitrators. The SCL holds regular meetings in London and other centres and the Centre has collaborated with the SCL to organise a successful series of public seminars. Students joining the MSc programme are encouraged also to join the SCL.

The Centre is grateful to the SCL in continuing to support the College's collection of construction-related books and periodicals and in awarding prizes to our outstanding students.

The Centre's team at present comprises:

- academic staff;
- a core group of visiting staff who are involved regularly with our teaching and examining programme and also active in practice;
- a wider network of practitioners who contribute lectures as occasional visitors and also supervise MSc student dissertations; and
- administrative staff.

Since 2005 the Centre has been part of the Dickson Poon School of Law. The School and College share responsibility with the Centre for examinations and other administrative matters.

The Centre is self-financed and so receives no grant or subsidy from the College or the Higher Education Funding Council for England. Its main income is from student fees, conferences and publications. It also regularly attracts significant and welcome contributions from professional and institutional supporters.

Conferences

The Centre runs at least one conference open to the public each year. Every conference has produced significant academic contributions to its subject area. Several conferences have matured into published books (see below). Contributions – both financial and expertise - from alumni and from those active in the field have been a major reason for the success of these conferences. Details of past and upcoming conferences can be found on the Centre's website:

www.kcl.ac.uk/law/research/centres/construction/Conferences.aspx

Annual Update

The Centre holds an Annual Update seminar each year, exclusively for our graduates, lecturers and supervisors. Regular and guest lecturers provide an update on recent developments in law and practice.

Publishing

The Centre has a long record of publishing, aimed at developing a comprehensive body of up-to-date material for both use in teaching and general circulation. The proceedings of conferences are usually revised and published as separate volumes. Details of our current publications can be found on the Centre's website:

www.kcl.ac.uk/law/research/centres/construction/Centres-Publications.aspx

Michael Brown Foundation

The Centre is grateful to the many firms, organisations and their members who have given generously of their time in lecturing, tutoring and supervising the work of students (see section 9 below). This has enabled the Centre to present an unrivalled range of expertise in its subject areas. In 1991 a donation from Bill Brown in memory of his son, a King's engineering graduate, inaugurated the Michael Brown Foundation, a College fund whose investment income supports research and teaching activities at the Centre, as well as a series of public lectures under the Foundation's name. Details of the Michael Brown lectures can be found on the Centre's website:

<http://www.kcl.ac.uk/law/research/centres/construction/Centres-Publications.aspx>

Bill Brown generously made the Foundation a further substantial gift on his death in 2004.

3 The taught MSc programme

The core activity of the Centre is the taught MSc programme, which began as a Diploma programme and in 1988 was approved as leading to an MSc. It is designed to enable practising lawyers, engineers, architects, surveyors and other construction professionals to gain expertise in a range of studies centring on construction law and dispute resolution. Although the programme is designed for part-time study (as well as for a limited number of full-time students), attendance at lectures and other activities in the College is essential: it is not suitable for distance learning.

The overall aim of the MSc is to provide an academically rigorous and challenging programme, informed by both research and practice, which:

- gives to students from a legal background the necessary basic understanding of construction technology and to students from a non-legal background the necessary basic understanding of the law;
- critically analyses the processes of construction and project procurement, and the role of the lay participants in that process, from a legal point of view, including new forms of procurement in public and private contexts world-wide;
- makes students fully aware of the general law affecting construction, in particular the law of contract and tort, the law of property, the law on bonds and insolvency;
- considers the aims and techniques of the law (both public and private) relating specifically to construction, including standard form contracts and the law concerned with building standards, the environment and health and safety;

- gives students an international framework for the understanding of the legal issues affecting construction, including project finance;
- considers in particular the prevalence of disputes in construction and methods for avoiding or resolving them;
- tests students' ability to apply their knowledge of construction law;
- encourages and supports students to demonstrate their ability to choose a topic for research (with an appropriate methodology), to carry out this research and to write it up in a dissertation complying with academic best practice; and
- facilitates dialogue between lawyers and construction professionals.

The MSc has a target entry of 60 new students a year, divided roughly 1/3 lawyers and 2/3 non-lawyers (see section 12 below). Students' ages normally range between 25 and 55. The King's MSc is the only course of its type in central London. Although most students live or work within the region of London, many travel from further away to take part. Students have come from Belgium, Brazil, Brunei, Botswana, Bulgaria, China, Cyprus, Denmark, Egypt, France, Germany, Georgia, Ghana, Hong Kong, India, Ireland, Italy, Japan, Jordan, Kenya, Lebanon, Malaysia, Netherlands, Nigeria, Peru, Poland, St Lucia, Saudi Arabia, Singapore, South Africa, South Korea, Sri Lanka, Thailand, Trinidad, Turkey, UAE and Yemen. Usually about half our new students have some form of financial support from an employer, firm or external source of funding.

Most students pay home/EU fees, but a significant number of students from outside the EU now enter the programme each year. This is normally 12 months for lawyers with a high level of competence in English, and 18 months for all others. Even if you start the MSc planning to complete within 12 months, this will normally be subject to review at the start of the second term.

Structure of part-time MSc

The programme is designed primarily for study part-time over two years commencing mid-September.

Its structure involves following two taught modules each year and writing a supervised dissertation (five modules in total):

Y E A R 1	
Mid September	Enrolment afternoon/evening for all new students normally followed by first teaching session
September ↓ December	Term 1 MODULE A: INTRODUCTION TO LAW (for construction professionals and lawyers from outside the UK) [includes assessed coursework] or MODULE AL: INTRODUCTION TO CONSTRUCTION TECHNOLOGY (for lawyers) [includes assessed coursework]
January ↓ March	Term 2 (includes optional mock exam in Module A/AL) MODULE B: CONSTRUCTION LAW I [includes assessed coursework]
April/May	Revision and examinations
May	Start developing ideas for dissertation topic; submit draft synopsis
June	Dissertation Day: discuss ideas for dissertation topic and further refine your topic
July	Examination results available via Student Records

Students are required to pass both first-year modules before continuing to the second year. All MSc students are given a second and final chance (the following year) at the examination in any taught module which they do not pass at the first attempt.

Y E A R 2	
September ↓ December	Term 1 [starts with residential weekend in Oxford] MODULE D: ARBITRATION & DISPUTE RESOLUTION [includes assessed coursework]
October	Submit final dissertation synopsis
November	Dissertation supervisor assigned
January ↓ March	Term 2 MODULE C: CONSTRUCTION LAW II [includes assessed coursework]
April/May	Revision and examinations
June	Optional Award-writing examination (Chartered Institute of Arbitrators) [see section 6]
July	Examination results available via Student Records
September	Submit DISSERTATION (deadline is end of September)
December	MSc final results available via Student Records

An MSc student who does not pass both of the second-year taught modules or the dissertation is normally given a second chance to do so a year later. Few second-year students need a second attempt at one or both exams; and few who submit a dissertation by the deadline get failing marks for it. The MSc degree is classified on a Pass-Merit-Distinction basis. Students who

fail to get passing marks in a second year module, or their dissertation at the second attempt are ineligible to receive the MSc.

A student given special permission to follow the MSc on a full-time basis may follow all four taught modules in the first year, but if necessary will be tested on only the first-year modules at the end of the first year; will be required to submit the dissertation at the end of the first year; and will then be examined on any remaining taught module/s during the examination period of the second year.

Organisation of teaching

As the tables above show, the programme begins for new students with Enrolment Day at the start of Year 1, usually a Wednesday in the third week of September, followed immediately by the first three teaching days in Modules A and AL. Each module then has six further teaching days, similarly on Thursday-Friday-Saturday, in October and November. The pattern in the second term is similar, with nine teaching days in groups of three between early January and the end of March. Revision sessions are held during April. Second-year taught modules will follow a similar pattern, though the first three-day teaching session in Module D in Term 1 now normally takes place residentially in Oxford over a Sunday-Monday-Tuesday in early September.

In addition to attending lectures, all taught modules require students to complete written coursework, which is normally discussed at a feedback session with a member of staff or MSc alumnus. One piece of coursework in each module (except Modules A and AL) is assessed and counts towards the final mark. Also an integral part of the programme for students at the end of the first year is Dissertation Day, a Saturday in June, which encourages the development of ideas for students' research efforts, followed by occasional meetings arranged individually between students and their dissertation supervisors.

Provisional first-year dates for 2015-16:

Enrolment week 16 Sept (exact date TBC)

Sep – 17, 18, 19

Oct – 22, 23, 24

Nov – 26, 27, 28

Jan – 7, 8, 9

Feb – 11, 12, 13

Mar – 10, 11, 12

Provisional second-year dates for 2015-16 (for full-timers)

Sept - Sun 13, Mon 14 & Tues 15 (Oxford)

Oct – 15, 16, 17

Nov – 11, 12, 13, 14 (note extra day)

Jan – 14, 15, 16

Feb – 25, 26, 17

Mar – 16, 17, 18, 19 (note extra day)

Other dates (2015-16):

Nov - Adjudication Society Conference (second years only)

April – Revision sessions

3-27 May – College Exam Period (TBC)

June – Dissertation Day (first-years only)

Time and commitment needed

It takes both time and effort to prepare for classes, attend them and do the necessary reading around the course subjects and the prescribed written coursework. The part-time two-year structure makes it possible for you to combine the programme with your existing occupational responsibilities, especially if you have a supportive employer or firm (and domestic partner).

Students report that they spend 10-15 hours a week in term-time in reading, writing and preparing for classes, in addition to attending lectures and tutorials at King's. They also spend a significant part of the break between Terms 1 and 2 (the Christmas vacation) in consolidating the first

term's material and in writing coursework. Many choose to take holiday or other leave for revision in the period before each year's examinations.

The Centre knows that occasionally students' work commitments make it difficult to attend classes regularly. A student whose attendance or time for study is seriously disrupted by work or illness may find it necessary to interrupt his/her registration on the programme or to ask for a deferral before taking examinations or completing the dissertation. Students wishing to defer must submit a Notification of Examination Absence Form (NEA) which can be downloaded from the College website (<http://www.kcl.ac.uk/college/policyzone/>). Both interruption and deferral need approval by the Board of Examiners and will be granted only if a good case is made to the Centre. Normally, only one deferral will be allowed for business/professional reasons; the College normally requires part-time postgraduate degrees to be completed within six academic years, including the year of first registration. An interruption or deferral may also require the student to pay higher or additional annual fees for his/her last year: see section 7 below.

4 The MSc syllabus

Introduction

All the taught modules and the dissertation are compulsory, except as noted. The programme involves attending the classes (lectures and tutorials), doing the prescribed or suggested reading, writing the prescribed coursework during the year and sitting the end-of-year examinations. Each taught module has a 3-hour unseen examination, held in May each year, in all cases worth 80% of the final grade. The remaining 20% of the final mark comes from a piece of assessed coursework.

Below are guides to the content of each module, but please note that every module varies in detail each year, as do the lecturers, the students taking the course and the law itself (for more details, see section 9 below).

First year

Module A (non-lawyers and lawyers from outside the UK): INTRODUCTION TO LAW

Sources and nature of law; the courts, common law and equity; law of contract, formation and terms; vitiated contracts and restitution; breach of contract and discharge; construction and rectification, assignment and novation; particular contracts and agency; negligence and other torts; vicarious liability; damages and other remedies; law of limitation; special position of public authorities; real property; status of parties; civil procedure; consumer law; EU law; company law; legal skills.

Module AL (lawyers only): CONSTRUCTION TECHNOLOGY FOR LAWYERS

The project cycle; construction in context; philosophy of design; loading; behaviour of soils and materials; principles of structural analysis; elements of buildings and civil engineering structures; construction methods; testing and investigation; project management; defects and their causes; environmental engineering.

Module B (all students): CONSTRUCTION LAW I

Principles of construction contracts; procurement and relationships; functions of the engineer, architect and quantity surveyor; performance and right to payment; time, completion and liquidated damages; review of types of construction contract; variations, extras and adjustment of rates; sub-contracts; tort in construction; design liability in construction; claims and settlement of disputes; regulation of construction; planning and environmental law; property law in construction.

Second year

Module D (all students): ARBITRATION & DISPUTE RESOLUTION

Principles of the law of arbitration; sources of arbitration law; powers and jurisdiction; arbitration rules and status; multi-party disputes; adjudication

law and practice; international arbitration, rules and conventions; arbitration in practice: procedure, management of hearings and remedies for dissatisfaction.

Module C (all students): CONSTRUCTION LAW II

Concepts and processes in construction law including procurement, contracts, finance and management; public works procurement and tendering procedures; standard forms including new and emerging options; public private partnerships; concessions and joint ventures; early contractor involvement and collaborative working; frameworks and alliances; design, supply and construction responsibilities; health and safety law and regulation; risk management and related remedies; warranties and third party rights; insolvency, bonds and other indemnities; comparative law and practice under major foreign law systems.

DISSERTATION (all students)

Following Dissertation Day at the end of Year 1, each student submits a final version of a proposed synopsis for a dissertation. Once the synopsis is approved, the Centre appoints a supervisor (a member of academic staff or a practitioner), who will offer guidance in the preparation of the dissertation. Dissertations are around 12,000-15,000 words; the Centre gives both students and supervisors extensive guidance on the whole process.

5 The MSc and continuing education schemes in the UK

The Law Society

Modules AL and B together qualify for 16 CPD hours. Modules C and D together also qualify for 16 CPD hours. A student obtaining the MSc degree can therefore earn 32 CPD hours over two years, completing the annual CPD requirement for those two years.

General Council of the Bar

The MSc programme is worth 33 CPD hours for New Practitioners and 12 CPD hours per year for Established Practitioners.

The Institution of Civil Engineers

According to the ICE, the MSc may be considered as contributing to its CPD scheme as part of individual development.

Royal Institution of Chartered Surveyors

The MSc programme qualifies as academic and personal study for the 'Lifelong Learning' CPD commitment.

Chartered Institute of Arbitrators

Successful completion of the MSc programme, together with the passing of a test consisting of writing an award (partly pre-prepared and partly written under examination conditions), gives exemption from the Module 4 examination towards Fellowship of the Chartered Institute. The Centre expects to continue to offer a qualifying 4-hour award-writing examination for second-year students, usually held in June. There is an additional fee for this.

6 Fees for the programme (2015 entry)

NOTE: Whatever your nationality, if you have not been ordinarily resident in the EU for the three years immediately preceding your intended start of the MSc programme, you may be subject to the higher non-EU fees below. These will apply unless you have a right of abode or indefinite leave to remain in the UK, even though you have UK nationality, are married to an EU national or are already legally working in the UK. If you have a sponsor, you should warn them accordingly. For more detail on the criteria for home/EU and 'rest of the world' fees, contact the Centre. You can also

get independent advice from UKCOSA: phone 020 3131 3576 or visit their website at www.ukcosa.org.uk.

Annual programme fees: part-time MSc (UK and other EU students):
£4,260

Annual programme fees: part-time MSc (students from outside EU):
£8,520

Programme fees: full-time MSc (UK and other EU students): **£8,520**

Programme fees: full-time MSc (students from outside EU): **£17,040**

If, exceptionally, you are permitted to follow the MSc full-time, there is no additional fee if you start the programme on a full-time basis but then during the year, decide to continue your studies over a longer period.

Fees for the second year of the part-time programme are subject to revision in accordance with College Regulations.

What programme fees cover

The annual fees described above cover the following:

- Attendance at all classes, including the Oxford residential weekend at the start of Module D
- Marking of all coursework
- Attendance at one Dissertation Day, normally at the end of your first year
- A free place at two Centre conferences (up to two days) while you are a student accepted on, or enrolled in, the MSc

- Electronic access (KEATS) to lecture notes and course materials and past examination papers for the modules being taken
- The permanent binding of one copy of your dissertation for the Centre Library
- The fees for examinations and for the marking of your first attempt at the tests in each module and at the dissertation
- Access to Maughan Library and all online resources
- The award of the degree at the end of the programme. (The hire of robes etc for attendance at a degree ceremony is at additional cost).

Additional fees apply for:

- the award-writing examination;
- resitting an examination;
- second or subsequent submission of a dissertation, and
- permanent binding of extra copies of your dissertation.

All students receive details of the current fees and charges, revised annually, at the start of each academic year.

Method of invoicing

The College Finance Office has responsibility for invoicing and collecting student fees. Fees will normally be payable in two equal instalments, by 31 October and 31 January. If you are being sponsored, you must provide a valid sponsor letter at the time of enrolment so that the invoice can be sent direct to the sponsoring organisation. In the event of non-payment of part or all of the fees by the sponsor, the outstanding amount will be invoiced to

the student. Further information is available at:
www.kcl.ac.uk/aboutkings/orgstructure/ps/finance/fees/fees-tandc.aspx

Tel : 020 7766 0600

7 Financial assistance for students

Queen's Jubilee Scholarship Trust (QUEST)

The Institution of Civil Engineers makes awards for MSc programmes. To be eligible, you must have been a member of the ICE in any grade for at least two years. For more detailed information and application forms, visit the ICE website at www.ice.org.uk/quest or contact:

Education Co-ordinator (Quest)
The Institution of Civil Engineers
One Great George Street
London SW1P 3AA
e-mail quest.awards@ice.org.uk
Tel: 020 7665 2193

The Panasonic Trust

The Royal Academy of Engineering also makes awards for MSc programmes. You must be a member at any grade of an engineering institution, be qualified to degree level in engineering or a related discipline, be working at the professional level in engineering in the UK and have had several years working experience at this level. For more detailed information and application forms visit www.panasonicitrust.net or contact:

Mr Ian Bowbrick
Manager, Postgraduate & Professional Development
The Royal Academy of Engineering
3 Carlton House Terrace
London SW1Y 5DG

Additional sources of help

The College Postgraduate Prospectus includes a section on finance, hardship and sources of help.

8 Our Faculty

Dr David Mosey Ph.D was appointed Professor of Law and Director of the Centre with effect from June 2013. He qualified as a solicitor in 1980 and brings over 30 years experience in construction and engineering law, including 21 years as head of the Projects and Construction Group at Trowers & Hamblins LLP. David started his career on secondment to the Government of the Kingdom of Bahrain from 1980 to 1984 and ran the Trowers & Hamblins office in the Sultanate of Oman from 1988 to 1991. He has advised on projects in the UK and the Middle East for government, private sector and contractor clients in sectors that include residential, commercial, health, education, highways and infrastructure. David has been a leader in the field of procurement and delivery of partnered projects, term programmes, frameworks and alliances, including programming, risk management and alternative dispute resolution, and is principal author of the Association of Consultant Architects' PPC2000 and TPC2005 suite of contracts. He completed his doctorate at the Centre in 2007, now published as "Early Contractor in Building Procurement – contracts, partnering and project management" (Wiley-Blackwell, 2009), and has been a regular visiting lecturer at the Centre. Earlier publications include "Butterworths Building and Engineering Contracts" (jointly with John Murdoch, 1996) and "Design and Build in Action" (Chandos, 1998). . David co-led the Government's "National Change Agent" programme from 2005 to 2011. He was appointed in 2012 to the Cabinet Office/Infrastructure UK Trial Project Delivery Group and Trial Project Support Group, exploring the potential to realise

savings and other benefits pursuant to the 2011 Government Construction Strategy and was author of the King's College London "Project Procurement and Delivery Guidance Using Two-Stage Open Book & Supply Chain Collaboration" published by the Cabinet Office in July 2014. David won the Constructing Excellence "Achiever of the Year" award 2009.

Professor Renato Nazzini joined the Centre as Professor of Law and Director of Research in March 2013. Professor Nazzini is an expert in commercial arbitration, ADR and litigation as well as in competition law. Previously, he was Professor of Competition Law and Arbitration (formerly Reader in Law) at the University of Southampton. From 2003 to 2006, Professor Nazzini was Senior Adviser and then Deputy Director of the Legal and Policy Department at the Office of Fair Trading and led or advised on major areas of enforcement and policy, including construction, financial services, damages actions and litigation, and the review of the policy on abuse of dominance under Article 102 TFEU. While at the Office of Fair Trading, Professor Nazzini worked with a number of European and international institutions including the European Commission and the Organization for Economic Cooperation and Development (OECD) and was appointed to the ICC Task Force on Arbitrating competition law issues. Professor Nazzini has acted as arbitrator and has advised and represented clients in complex commercial disputes in arbitration, both ad hoc and institutional, and court proceedings. Professor Nazzini has published more than 50 articles and book chapters on international commercial arbitration and competition law and a number of single-authored and edited books, including *Concurrent Proceedings in Competition Law: Procedure, Evidence and Remedies* (Oxford, OUP 2004), *The Foundations of European Union Competition Law: The Objective and Principles of Article 102* (Oxford, OUP 2011) and, as co-editor, *International Competition Litigation: A Multi-jurisdictional Handbook* (The Hague, Kluwer Law International 2012). He is the General Editor, together with Gordon Blanke, of *Global Competition Litigation Review*. He is on the editorial board of the *European Business Law Review* and is a contributor to J Faull and A Nikpay, *The EU Law of*

Competition (3rd edn, Oxford, OUP, forthcoming). Professor Nazzini holds doctorates from the Universities of Milan and London, is a Solicitor of the Senior Courts of England and Wales, an Italian advocate, and a Member of the Chartered Institute of Arbitrators. He has been Visiting Professor at the University of Turin and Honorary Fellow at the British Institute of International and Comparative Law.

Christopher Howard LL.M joined the Centre as Senior Lecturer in May 2014. He is currently the module coordinator for Module A: Introduction to Law and also lectures on Module B: Construction Law I. Christopher had a successful academic career at BPP University from 2006, where he was Senior Lecturer in law with a wide range of teaching responsibilities including the roles of Module Leader and Programme Leader. He graduated with a 2:1 from Pembroke College, Oxford in 1995 and qualified as a solicitor in 2003, having been awarded commendations in his Legal Practice Course and his Postgraduate Diploma in Law. Christopher completed an LL.M in Commercial and Corporate Law with the University of London in 2014 and was awarded a merit. Christopher worked for three years as a specialist construction lawyer at Trowers & Hamlin LLP, where he advised high-profile clients such as Berkeley Homes and Glasgow Housing Association on a range of innovative projects. His clients included some of the first teams to adopt the PPC2000 and TPC2005 forms of contract, as well as early users of NEC. Christopher worked as a Visiting Research Fellow at King's College London from December 2013 to April 2014, where he contributed to the Centre's "Project Procurement and Delivery Guidance Using Two Stage Open Book and Supply Chain Collaboration".

John Barber MA LLB CEng FICE FCI Arb is Michael Brown lecturer and was Director of Centre from 2009 to 2013. He joined the Centre in 1992 and chairs the Programme Board of Examiners. He combines qualifications and experience in both engineering and law, graduating in 1969 with a degree in Mechanical Sciences from Cambridge University and then working for four years with a major contractor on heavy civil engineering works followed by four years specialising in forensic

investigation work, before joining a firm of consulting engineers specialising in ports and harbours. While working as a civil engineer he obtained an LLB in 1980 and then completed the Bar Finals. However, he stayed practising as a consulting engineer, working in Hong Kong, Cameroon and the UK, applying the legal knowledge in conjunction with technical expertise. Since 1986 he has practised as an independent consultant, adjudicator and arbitrator. This background has enabled him to teach engineering to the lawyer students on the MSc, contract law to the non-lawyers, and a range of other construction law and dispute resolution topics (including health and safety law) with the benefit of a practical understanding of current problems and the interface between law and construction. His publications include *Quality Management in Construction—Contractual Aspects* (CIRIA, 1992) and *Building and Civil Engineering Claims in Perspective* (3rd ed jointly, 1992), and papers on the role of the engineer, health and safety, dispute resolution, procurement and risk. He has served on various committees of the Institution of Civil Engineers, the Standing Committee on Structural Safety, the Permanent International Association of Navigation Congresses, the Chartered Institute of Arbitrators and the Hazards Forum.

Phillip Capper MA BA FCI Arb, Nash Professor, is a partner at White & Case. He specialises in international arbitration, and in construction, and has for years been recognised by legal directories as a ‘leading individual’ in both these fields, and in the rail industry. Formerly Chairman of the Faculty of Law at Oxford University, he is now also Nash Professor of Engineering Law at King’s College. He was a Fellow of Keble College, Oxford for over 20 years, and formerly a Lecturer at the University of Durham. He is a member of the ICC Commission on International Arbitration in Paris, an Honorary Member of the Society of Construction Law (in the UK and in Malaysia) and a past member of the European Advisory Committee of the CPR Institute for Dispute Resolution, based in New York. Phillip has chaired ICC and LCIA arbitral tribunals, and has served as sole arbitrator and party-appointed arbitrator in ICC and LCIA arbitrations. He has been involved in countless international disputes (as arbitrator, mediator, legal assessor, advocate, or adviser). He

drafted the disputes clauses in the NEC 2nd ed and ICE 7th and was engaged as expert by French Association of International Contractors (SEFI) to evaluate FIDIC’s EPC Silver Book. For CIRIA’s Client’s Guide to Risk in Construction he wrote on legal risk management. He was Founding Editor of the *Construction Industry Law Letter* and former General Editor of Emden’s *Construction Law*. His recent publications include *Construction Industry Arbitrations* in Sweet & Maxwell’s Handbook of Arbitration Practice 3rd edition, and editor of the 3rd edition of the *International Arbitration: A Handbook*. For the Chartered Institute of Arbitrators he directs its International Diploma Course. For the ICC in Paris he led small working groups drafting model clauses for ICC arbitration and ADR, and for use with the ICC Rules for Expertise. A great deal of Phillip’s experience relates to complex engineering and infrastructure projects, and high technology and electrical and mechanical procurements. He has worked on projects for defence, highways, rail, transportation, power, oil and gas, process plant and construction procurement in many countries worldwide. For example, he acted for TML, the Channel Tunnel contract consortium, in three ICC arbitrations and in the many references to that project’s Disputes Panel. Phillip has advised state electricity generator/distributors, national gas distributors, high-speed rail authorities and suppliers, metro and light rail projects, and privately financed infrastructure projects. He is also joint Series Editor (with Philip Britton) of Informa’s construction law library.

John Uff QC PhD FREng FICE FCI Arb was the founding Director of the Centre and Nash Professor of Engineering Law; he retired from the Nash chair in 2003 and became Professor Emeritus. A Fellow of King’s College, he is a practising barrister and arbitrator and former Head of Keating Chambers. He graduated in engineering at King’s and was called to the Bar in 1970, since when he has specialised in construction cases. Publications include *Construction Law* (10th ed, 2009); contributor to *Keating’s Building Contracts* (8th ed, 2006); *ICE Arbitration Practice 1986* (jointly); *Methods of Procurement in the Ground Investigation Industry 1986* (jointly); *Construction Law Yearbook* (editor, vols 1-4); chapter on construction contracts in *Chitty on Contracts* (30th ed, 2008) (jointly); and

numerous papers in civil engineering, engineering law and arbitration. He was also principal editor of many of the Centre's own publications between 1989 and 1999. He published his report into aspects of rail safety linked to the Southall accident in 2000 and his joint report with Lord Cullen on railway safety systems in 2001; he was awarded a CBE for services to rail safety in the New Year's Honours 2002.

Core group of visiting practitioners linked to the Centre

Peter Aeberli MA BA Dip Arch RIBA ARIAS ACE FCI Arb has been a regular lecturer on the MSc since 1993 and since 1999 co-ordinator for Module D. He is a barrister, chartered arbitrator, registered CEDR mediator and adjudicator specialising in construction law and receives appointments from nominating bodies as well as by party agreement. Prior to reading law as a Scholar at Hertford College, Oxford, he was a project architect with a large multi-disciplinary consultancy and also, for a number of years, taught design and building construction at the Edinburgh University School of Architecture. He is listed on the ICC Canadian National Committee Panel of International Commercial Arbitrators, the International Institute for Conflict Prevention & Resolution Construction (USA) roster of arbitrators and mediators as well as on numerous UK panels. These include the Law Society, LCIA, CI Arb, RIBA, RICS and CIOB panels of arbitrators; the CI Arb, CIC, CC, CIOB, RICS and RIBA panels of adjudicators and the CI Arb, RICS, CIOB and RIBA panel of mediators. He is by invitation on the Heathrow T5 and London 2012 panel of adjudicators. He was a member of the ICC Commission Task Force on Reducing Time/Costs in complex arbitrations and is member of the ICC on Arbitration. He was for a number of years cases editor for the *Arbitration and Dispute Resolution Law Journal*. He was involved in drafting the *Construction Industry Model Arbitration Rules (CIMAR)* and was for four years in the mid 1990s Joint Secretary of the JCT. He writes and speaks on various subjects concerned with construction law, arbitration (both international and domestic) and adjudication. Many of his published papers can be found at www.aeberli.com. The College appointed him as a Visiting Senior Lecturer in 2005.

Philip Britton LLB BCL is a Visiting Professor and joined the Centre in 1998 as part-time Lecturer, becoming its Director in September 1999. He previously taught in the School of Law at the University of Warwick (1970-1991) and was Production Director at Television Education Network (1991-1996), writing and producing video programmes for lawyers, civil engineers, chartered surveyors and accountants, including on construction topics. Between 1994 and 2001 he was part-time Associate Professor at the University of Lille 2 (France), teaching English law to French law students and has developed video and interactive training programmes in competition law for Coca-Cola Enterprises. He has been Chief Examiner and Moderator for the CI Arb and a co-opted member of the Council of the Society of Construction Law (2001-2003). He is joint series editor of the Centre's publications (with Frances A Paterson) and contributed a chapter to both *The Construction Act: Time for review* (2000) and *Limited Liability Partnerships: A guide for professionals* (2001). From 2002 to 2005 he was also part-time Director of Professional Education at the law firm Farrer & Co. He has four times won one of the SCL's annual Hudson Prizes for an essay on a construction law topic and in 2008 won the Society of Construction Arbitrators Norman Royce Prize for an essay on challenging ADR. He regularly edits papers for publication by the SCL and is joint Series Editor (with Phillip Capper) of Informa's construction law library. He retired as Director of the Centre in January 2008 and now has a Visiting Professorship with the College. In 2010 he co-authored (with Nicholas Gould and Claire King) *Mediating Construction Disputes: An Evaluation of Existing Practice*, a report on research conducted with the Technology and Construction Court.

Nicholas Gould BSc (Hons) LLM FRICS FCI Arb MCI OB is a Visiting Professor, a Solicitor Advocate and a partner in the specialist construction lawyers Fenwick Elliott LLP, where he conducts a mix of international dispute resolution and non-contentious work. He is a solicitor, chartered surveyor, accredited adjudicator and CEDR Solve lead mediator. He acts in a wide range of construction sectors in the UK and internationally, including general construction, transport, infrastructure, rail, communications, industrial, process plant, power stations, wind farms,

desalination plants, airports, telecommunications, petrochemical, oil and gas. Dispute resolution experience spans litigation, arbitration (domestic and international), adjudication, DAB/DRB, mediation, early neutral evaluation and expert determination. He regularly acts as lead mediator in multi-party multi million construction, engineering, commercial, insurance, negligence and property disputes. Nicholas is a certified adjudicator and sits on international Dispute Boards. According to *Chambers and Partners* (2007) he is described by his peers and clients as “an absolute star”. IBA’s *Who’s Who Legal Construction 2007* states that Nicholas is “revered for his excellent mind.” The IBA’s 2009 edition of *International Who’s Who of Business Lawyers Today*, listed Nicholas as one of the ten most highly regarded individuals internationally for construction law. He qualified at Mases, and was formerly a senior lecturer at the University of Westminster. Before joining the University of Westminster in 1993 he worked in the construction industry for a period of approximately 8 years. A solicitor and chartered surveyor, his dual qualifications provide a layer of expertise that adds a practical level to his work. Nicholas is the Chairman of the Standing Committee of the ICC International Centre for Expertise, a past Chairman of the Society of Construction Law (2006-07), the Chairman and case editor for the Adjudication Society. A Senior Visiting Research Fellow at King’s College since 1999 and Senior Visiting Lecturer from 2005. Nicholas led the TCC/King’s College funded research into use of mediation in construction disputes (2006-09). He sits on the RICS Dispute Faculty Board and RICS Contracts Panel. He has published widely in the area of construction law and dispute resolution and won a Literary Awards in 2000 for his book "Dispute Resolution in the Construction Industry" published by Thomas Telford. In 2010 he co-authored (with Philip Britton and Claire King) *Mediating Construction Disputes: An Evaluation of Existing Practice*, a report on research conducted with the Technology Construction Court.

The Hon. Mr Justice Ramsey originally qualified as a civil engineer, working in the UK and overseas, and became a Chartered Engineer and Member of the Institution of Civil Engineers. He was called to the Bar (Middle Temple) in 1979 and practised from 1981 to 2005 at Keating

Chambers, the largest London set of barristers’ Chambers specialising in building, technology, IT and associated commercial disputes. He was Head of Chambers from 2003 to 2005. A Queen’s Counsel since 1992, he practised around the world as an advocate, arbitrator, adjudicator and mediator in technical disputes, particularly those related to construction and engineering projects. He acted for governments, public authorities, utilities, international contracting companies, consultancies, architects, engineers and other construction professionals, appearing in the House of Lords and in the courts of Hong Kong, Singapore, Brunei and Trinidad. He acted as counsel in numerous arbitrations and was chairman, co-arbitrator or sole arbitrator in some 90 domestic and international arbitrations, both institutional and ad-hoc. He also served as a mediator and adjudicator and on Dispute Review Boards. Sir Vivian is the current joint editor of Keating on Building Contracts, a standard text in Common Law countries, and was a founding editor of Construction Law Journal for which he continues as a Consultant Editor. Since 1990 he has been a Visiting Professor at the University of Nottingham. He has lectured to a wide variety of events around the world. In November 2005 he was appointed as a High Court Judge in the Queen’s Bench Division and in 2007 was appointed as Judge in Charge of the Technology and Construction Court. He regularly lectures for the Centre and was formally appointed as a Visiting Professor in 2007.

Visiting practitioners and academics

The following took part – or will take part – in one or more lecture sessions in 2013-2014 (* marks those who already have an MSc, MPhil or PhD from the Centre or are currently working towards an MPhil or PhD):

PERSON	PROFESSION	ORGANISATION	MODULE
BAKER, Ellis	Solicitor	White & Case	C
BREYER, Dr Wolfgang	University of Vienna	Breyer Rechtbanwalte	C

PERSON	PROFESSION	ORGANISATION	MODULE
CAVELL, Alan	Structural engineer	Quest Technical Services	AL
CHARVERON, Sophie*	Solicitor/avocat (France)		C
CHOAT, Rupert	Solicitor	CMS Cameron McKenna	B, D
COLAIUTA, Virginie	Solicitor	PinsentMasons	C
DALY, Nigel	Construction safety specialist	Capita Symonds Ltd	C
DEDZADE, Taner*	Solicitor	Corbett & Co	D
EILON, Daniel	Solicitor	New Media Law	C
GARCHA, Jatinder	Solicitor	Fenwick Elliott	C
GLOVER, Jeremy	Solicitor	Fenwick Elliott	C
HOLDER, Liam*	Quantity surveyor	FTI Consulting	AL
HONEY, Richard	Barrister	Francis Taylor Building	B
JACKSON, Shy*	Solicitor	Pinsent Masons LLP	A, B
JEFFERIS, Professor Stephan*	Engineer		AL
LAVERS, Professor Anthony	Lawyer	White & Case/Keating Chambers	A
LINDSEY, Sue	Barrister	Crown Office Chambers	AL
LOHMAN, Biana	Lecturer	Kings College London	A
LUPTON, Sarah	Arhitect	Lupton Stellakis	B
MACGREGOR, Ewan*	Engineer	Hoare Lea	C
MacNAMARA, Andrew	Lecturer	City University	AL
MINOGUE, Ann	Solicitor	Macfarlanes	C
MORAHAN, Brendan		Invennt	AL

PERSON	PROFESSION	ORGANISATION	MODULE
MUIR WOOD, Jamie*	Engineer		AL
NADAR, Aisha		Nadar Consulting	C
NETHERCOT, Professor David	Engineer/academic	Imperial College	AL
NI FHLOINN, Deirdre	Solicitor		AL
OTTO, Claudia*	Solicitor	Kerman & Co	A
OWEN, Tom	Barrister	Keating Chambers	A
PENCAKOWSKI, Joanna*	Architect		AL
STALLEBRASS, Professor Sarah	Engineer/academic	City University	AL
THORNTON, Anthony QC	Judge	Royal Courts of Justice	D
TOLSON, Simon	Solicitor	Fenwick Elliott	C
WALKER, Stephen	Mediator	StephenWalkerMediation	D
WILLIAMS, Richard	Solicitor	Pinsent Masons	C

Administrative staff

Miss Sue Hart is currently Centre Coordinator. She joined the Centre as its Administrative Assistant in 1998. The Centre Coordinator deals with all matters relating to student records, fees and charges, examinations and results, class times, liaison with lecturers and the School and College and conference organisation; also acts as Secretary to the staff meeting, the Staff-Student Liaison Committee and the Programme Boards of Examiners. She takes main responsibility for dealing with enquiries about applications for the MSc programme, uploading of teaching materials on to

KEATS, administration of coursework, tutorials and dissertations, and bookings for conferences and other events.

9 Annual prizes and awards

- Bickerdike Allen Partners gives a book prize of £200 for the best performance by a first-year in the Module AL examination.
- The Society of Construction Law gives a prize of £200 for the best performance by a first-year student in Module A examination.
- The Arbitration Club, Law Courts Branch presents an annual prize of £200 to the student with the best performance in Module D. It is known as the Philip Ranner Prize in memory of Philip Ranner, one-time Secretary of the Society of Construction Law.
- The Worshipful Company of Arbitrators Charitable Trust gives a prize of £150 for the student submitting the best assessed coursework in second-year taught modules.
- KCCLA (see section 10 below) gives a prize of £100 for the student with the best performance in the second-year examinations.
- The Society of Construction Law gives a prize of £250 for the best dissertation.
- The Society of Construction Law gives a prize of £250 for the best overall student.
- The Chartered Institute of Arbitrators awards a prize to the student who is given the highest mark in the award-writing examination (as determined by the Programme Board of Examiners for the MSc).

Staff and students may also compete in the essay competition for the Society of Construction Law's annual Hudson Prizes.

Details of all our past prize winners can be found on the Centre's website: www.kcl.ac.uk/law/research/centres/construction/about.aspx

10 King's College Construction Law Association (KCCLA)

This is the branch of the King's College London Association formed specifically for the graduates and present students of the Centre of Construction Law & Dispute Resolution. The programme of events comprises mock trials, arbitrations and dispute resolution schemes, debates, a formal annual lecture and social gatherings. More information about the committee, events and how to join can be found on the KCCLA website at: www.kccla.org.uk.

11 MSc: entrance requirements

Formal requirements

The Centre's and College's combined entrance requirements for the MSc degree are:

- an Honours degree in a relevant subject (eg law, engineering, surveying), or
- other professional or academic qualifications acceptable to the College, and
- For construction professionals and non-practising lawyers, at least two years' relevant work experience;

- For practising lawyers, at least completed pupillage, or one year of training contract.

If your formal education or relevant work experience has not been in an English-speaking institution or country, the College will also need proof of a high level of ability in English, as evidenced by a good score within the last three years in TOEFL (paper-based: at least 603, including TWE at 5 or better; Internet-based: 109 + minimum 24 in all skills), the British Council IELTS test (7.0 overall, with a minimum of 7.0 in all four skills).

Relevant factors

In considering your application, the Centre will be trying to assess your ability to complete the programme successfully at the first attempt. To do this, it will look at:

- the quality and significance of your formal qualifications (the longer ago they are, the less impact they may have)
- the duration and range of your work experience and its relevance to the topics covered by the programme
- (so far as possible) the strength of your commitment and motivation.

Your references play an important role in this evaluation. Most applications are judged on paper alone but you may be called for interview. If you wish to discuss your application before submitting it, contact the Centre to arrange a phone conversation or a meeting with one of the members of staff.

12 Application procedure

The College form

To apply, you must complete the College Postgraduate application form. You can find the form and instructions for its completion on the College website:

(<http://www.kcl.ac.uk/study/pg/admissions/TaughtProgrammes.aspx>).

Please note that for 2014 entry you will need to apply online for our MSc. Because of the new admissions system, you increase your chance of being awarded a place if you apply early. The closing date for receipt of completed applications is 1 July.

Completing the College application form

You must complete the form and provide all necessary documents with your application. We recommend that you attach scanned copies of your supporting documents to the online application¹ (details of how to do this are given during the online application procedure). We cannot consider incomplete applications. Please follow the guidance notes for each section of the online form, and note the additional information regarding specific areas of the form.

Part-Time/Full-Time

The course is intended primarily for study part-time over two years. The block teaching delivery and the availability of reference materials online enable students to attend in London first for six three-day blocks in each academic year. UK and other EU students should select 'part-time' unless there is a special reason to attend full-time. For non-EU students, however, the course is offered as a full-time option, generally over 18 months, so you should select 'full-time'. (For qualified lawyers, who are not UK-based, it may be possible to complete the course full-time 12 months).

English Language Proficiency

If your first language is not English, you will need to provide proof of your level of ability in English – for the minimum requirements in English, see section 12 of this Prospectus. Scan and attach to this section of the application form a copy of a certificate showing your level of ability in English. If you are waiting to take an English language examination and do not have a certificate, you may still submit your application. If it is successful, your offer will be conditional on meeting the English language requirement before a specified date prior to the start of the course.

Employment details

Scan a separate document and attach it to the “Personal statement and supporting information” section, giving full details for the last five years, including any periods of activity as a self-employed person or partner.

Fee status

You must complete this in full: see section 7 of this Prospectus regarding fees.

Personal statement and supporting information

Please provide a clear and concise summary of your reasons for wanting to do the MSc programme and what you hope to gain from it. The limit is 4000 characters in this space. If you wish to include any additional information in support of your application, you may attach a Word document by selecting “upload relevant document” at the bottom of this section.

If you expect (or know) that your employer or firm will pay part or all of your fees, you will need to obtain a letter from them confirming what they will offer by way of financial assistance and to who invoices should be sent. Scan and attach the letter to this section. Please note that by accepting a

place on the MSc you are undertaking personal responsibility for your fees, even if you in fact expect someone else to pay part or all of them.

Referees

Despite what the College *Notes for Guidance* say, only one academic reference is necessary for our MSc; your second reference *must* be from an employer or professional contact who knows your work well and can give a view on your suitability for the King’s MSc programme. If your most recent experience of further education was so long ago that no academic referee is reasonably available, both your references may be from employers or professional contacts.

You may wish to use the King’s Referee Portal. To do this, you must provide an email address for your referee, who will automatically receive a secure link by which they can provide your reference once your application is in. If you use this option, please contact your referee to warn them to expect a message from King’s College, London. Otherwise your referee’s junk mail filter may block the message. Academic referees should use their academic email address, and similarly, professional referees should use their company email address. If personal accounts such as ‘tutor@hotmail.com’ or ‘employer@gmail.com’ are used, it is likely you will need to provide an official paper reference later.

Your application will be updated automatically as your references come in.

If you have paper references, you can select “upload scanned copy of formal signed reference now” and attach the relevant document.

Checklist for submitting the application form

Once you have completed the application form, you must submit it on line. Once you do this, you will not be able to amend it. The scanned documents which you should attach to the application form include:

1. A separate document detailing the last five years of your professional activity, uploaded to “Personal statement and supporting information”;

2. Scanned copy of your relevant degree certificate/s and/or professional qualifications uploaded to “Education” and “Professional qualifications”;
3. [If applicable] a letter from your firm or employer confirming the financial support they will offer toward the cost of the MSc, if you are offered a place, uploaded to “Personal statement and supporting information”; and
4. If the language of your tertiary education or work is not English, a scanned copy of your results in the latest English language test you have taken, uploaded to “English language”.

If you foresee a delay in obtaining the certificate/s in 2 or 4 above, or if you have any other queries about completing your application, contact ‘The Centre of Arts & Sciences Admissions (CASA)’ at: (law-graduateadmissions@kcl.ac.uk)

13 Further reading

The College *Postgraduate Prospectus (Entry 2014)* includes information on the College (including accommodation, fees etc) and on all taught and research graduate degrees. You can download a copy from the College website on www.kcl.ac.uk.

The College also annually publishes via the website *Academic Regulations, Regulations Concerning Students and General Regulations*. The main topics these cover are: admission to courses, programme regulations, examinations and degrees, discipline, appeals and grievance procedures. By accepting a place on the MSc you will become subject to all these rules.

14 The Centre: contact details

Finding the Centre

The nearest Tube station to the King’s Strand Campus is Temple (District and Circle lines – 5 minutes’ walk). In addition, the City Thameslink, Embankment, Charing Cross, Waterloo, Covent Garden and Holborn tube stations are all about 10 minutes’ walk away. The Strand Campus is between the Strand and the Embankment, next to Somerset House and the Courtauld Institute. Many buses stop directly outside the main entrance to the campus, heading west along the Strand to Charing Cross or south towards Waterloo. A short walk away in Aldwych, other buses head east to the City via Fleet Street or north to Holborn up Kingsway.

The Centre’s staff and offices are in The Old Watch House, best reached from the main entrance to the Strand Campus. Entering with the circular reception desk on your right, take the main corridor straight ahead through two sets of doors past the vending machine to stairs on your left. Turn 90° left, following signs for the East Wing, up a few steps and across a glazed overbridge. At the far side, turn right through the glass double doors, go down the stairs one floor; the doorway to The Old Watch House is on your left.

Contacting the Centre

The Centre is normally staffed 9.15am-4.30pm Mondays-Fridays. It is closed on public holidays and for several days at Easter and Christmas/New Year.

The postal address is:

Centre of Construction Law
The Old Watch House
King's College London
Strand
WC2R 2LS

Telephone: (+44)(0)20 7848 2643

Fax: (+44) (0)20 7848 2638

E-mail: cldr@kcl.ac.uk

Please note that the College and Centre both reserve the right to modify any of the details contained in their printed and on-line Prospectuses.