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**Law for Construction**

 **Coursework 2022/23**

**Nottingham Trent University**

**College of Art, Architecture, Design and Humanities**

**School of Architecture, Design and the Built Environment**

**Construction Management**

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| **Module Code and Module Title** | Law for ConstructionCONM40008 |
| **Level of Study** | Level 7 |
| **Coursework Number and Coursework Title** | **Coursework** |
| **Coursework Weighting** | 50% of module grade |
| **Coursework Brief Author** | Chris Coffey |
| **Date Issued to Students** | 30 October 2022 |
| **Submission Time** **Submission Date** | 5.00pm **2nd December 2022** |
| **Submit to** | NOW Electronic Dropbox |
| **Planned Assessment Feedback Date** | 21 days (excluding University closure days) |
| **Planned Date for Return of Graded Scripts** | 21 days after submission – as above |
| **Maximum Word Limit** | As described on the coursework brief |

**Academic Irregularities – WARNING:**

This is an individual piece of work and students are reminded of the University’s regulations on academic irregularities, which covers plagiarism, copying, cheating and other activities/situations/circumstances that may also constitute an academic irregularity. You are expected to have read and checked that your work does not contravene the University regulations on academic irregularities. Examples on what constitutes an academic irregularity can be found in Section 17b of the Academic Standards and Quality Handbook which you are advised to study carefully; it can be viewed and downloaded from the university intranet at:

<https://www.ntu.ac.uk/current_students/document_uploads/112656.pdf>

**Introduction**

This coursework is intended to help you meet and assess your achievement of the module learning outcomes, identified below. The grade awarded will contribute to your grade for this module and your overall level and course aggregate grade. The assessment criteria are clearly set out within the coursework brief and it is in your own interests to ensure that your work addresses the assessment criteria clearly and in an appropriate manner and logical sequence. If you are unsure or unclear about any aspect of what is required of you, you should contact the coursework author or module leader straight away.

**Submission Instructions**

 1.     Your coursework must be submitted in the **NOW drop box only**

2.     The electronic ‘Microsoft Word’ version of your coursework must be submitted to the Module **DropBox** which is located in the module learning room on NOW; it should be uploaded no later than the coursework submission date and time given above. The coursework will automatically be assessed by the web-based text-match tool, *Turnitin UK*. Only one, final version of your work may be submitted to the DropBox. Once submitted you cannot revise your submission; you have only one opportunity to submit.

3.     Please be aware that your coursework must be submitted by the submission deadline given above. Submission after this deadline will be deemed a late submission and subject to the University rules on late submission.

4.     You will be allowed to submit **ONE** draft copy to a dedicated dropbox no later than 48 hours before the submission deadline. This draft submission **must** have the same filename as your final submission.

**Presentation Requirements**

* The coursework **must** be typed; 10 point Verdana font **must** be used throughout for the main body of the work.
* Line spacing **must** be 1.5 lines.
* Top, bottom, left and right margins **must** be at least 30mm.
* The coursework **must** be presented ‘single side’ typed (not double sided).
* The core pages of the submission **must** be paginated.
* The coursework must **not** extend beyond the word limit specified above. Any work after this word limit has been reached will not be graded. The word limit includes tables, figures and footnotes but excludes the bibliography and/or list of references unless specifically directed otherwise by the module leader.
* Make sure you proof read and spell check your work. Remember that spell checkers will not identify an incorrect but correctly spelt word.
* The coursework submission **must** be either treasury tagged or stapled using a single staple in the top left hand corner. It must **not** be spiral bound, placed in a file, folder or plastic wallet, or bound in any other form.

**Coursework Task and Additional Guidance**

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| Assessed courseworkSee coursework brief sheet |

The following assessment criteria will apply to this coursework. You should ensure that the work that you submit appropriately addresses and corresponds with these criteria.

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| **Assessment Criteria** | **Further Guidance** |
| 50% coursework | See grade grid and grade descriptors for more information  |
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**Grading of assessed work:** Assessment of work submitted will be in accordance with both University general grading descriptors for taught Masters courses (Level 7 NQF) – see below.

**Assessment and Module Learning Outcomes (MLOs)**

The table below gives details of the module learning outcomes (see Module Specification for full details) that will be assessed by this coursework.

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| **Module Learning Outcomes (MLO) Assessed** | Knowledge and Understanding - see grading grid |
| Skills Qualities and Attributes - see grading grid |

**Specific grading descriptors –Taught Masters (Level 7 NQF)**

See table below.

| **Class** | **Grade Point**  | **Specific Characteristics – overall and for each question** |
| --- | --- | --- |
| **Distinction**Distinction | **Exceptional** Distinction | You have demonstrated **exceptional** breadth and depth of knowledge and understanding of key legal principles and legal sources evidenced by very clear **independent** insight and **exceptional critical awareness** of the material, including case law and legislation, relevant literature and concepts at the forefront of the discipline. Your ability to apply the law is **exceptionally detailed** and very carefully considered.There is very clear evidence in your work of **extensive** and appropriate **independent inquiry** operating with advanced concepts, methods and techniques. You have produced exceptionally cogent arguments, discussions and explanations and any application of the law is **exceptionally well executed.** You consistently use a **very wide range of media to communicate** effectively in a variety of formats using a sophisticated level of the English language in an eloquent and professional manner.There is a **sustained academic approach** to all aspects of the tasks; academic work reaches the boundaries of the disciplines and is beyond expectation of the level and may achieve or be **very close to publishable** or commercial standard.**Well done - overall this is an exceptional performance** |
| **High Dist.** | You have demonstrated an **outstanding breadth and depth** of knowledge and understanding of key legal principles and legal sources evidenced by clear **independent** insight and **outstanding** **critical awareness** of the material, including case law and legislation, relevant literature and concepts at the forefront of the discipline. Your ability to apply the law is **outstandingly detailed** and very carefully considered.There is clear evidence of appropriate independent inquiry operating with core concepts, methods and techniques to solve complex problems in mostly familiar contexts; Arguments and explanations are provided that is well-supported by the literature and in some cases uses a range of media demonstrating an ability to communicate effectively in a limited number of formats using own style that is suited to both technical and non-technical audiences; a sustained academic approach to most aspects of the tasks is evidenced; one or more aspects of the academic work is beyond the prescribed range and evidences a competent understanding of all of the relevant taught content.**Well done - overall this is an outstanding performance**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_You have demonstrated an **impressive breadth and depth** of knowledge and understanding of key legal principles and legal sources evidenced by clear **independent** insight and **impressive** **critical awareness** of the material, including case law and legislation, relevant literature and concepts at the forefront of the discipline. Your ability to apply the law is **excellent detailed** and carefully considered.There is evidence of appropriate independent inquiry operating with core concepts, methods and techniques to solve complex problems in mostly familiar contexts; Arguments and explanations are provided that is well-supported by the literature and in some cases uses a range of media demonstrating an ability to communicate effectively in a limited number of formats using own style that is suited to both technical and non-technical audiences; a sustained academic approach to most aspects of the tasks is evidenced; one or more aspects of the academic work is beyond the prescribed range and evidences a competent understanding of all of the relevant taught content.**Well done – overall this is an impressive performance**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_You have demonstrated an **excellent breadth and depth** of knowledge and understanding of key legal principles and legal sources evidenced by clear **independent** insight and **outstanding** **critical awareness** of the material, including case law and legislation, relevant literature and concepts at the forefront of the discipline. Your ability to apply the law is **excellent detailed** and carefully considered.There is evidence of appropriate independent inquiry operating with core concepts, methods and techniques to solve complex problems in mostly familiar contexts; Arguments and explanations are provided that is well-supported by the literature and in some cases uses a range of media demonstrating an ability to communicate effectively in a limited number of formats using own style that is suited to both technical and non-technical audiences; a sustained academic approach to most aspects of the tasks is evidenced; one or more aspects of the academic work is beyond the prescribed range and evidences a competent understanding of all of the relevant taught content.**Well done overall this is an excellent performance**  |
| **Mid Dist****Dist** |
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| **COMM** | **High Comm.** | You have demonstrated a **Very good knowledge** and understanding of key legal principles and legal sources evidenced by some clear independent insight and good critical awareness of relevant of key legal concepts and legal sources, including case law and legislation. There is a very good ability to apply the law that is detailed and well considered. There is evidence of competent independent inquiry operating with core concepts, methods and techniques to solve familiar problems; Arguments and explanations are provided that are typically supported by the literature and in some cases may challenge some received wisdoms; competently uses all taught media and communication methods to communicate effectively in a familiar settings; an academically rigorous approach applied to some aspects of the tasks is evidenced; some beyond the prescribed range, may rely on set sources to advance work/direct arguments; demonstrates autonomy in approach to learning.**Well done - overall a very good detailed performance**You have demonstrated a **Very good knowledge** and understanding of key legal principles and legal sources evidenced by some clear independent insight and some critical awareness of relevant of key legal concepts and legal sources, including case law and legislation. The very good ability to apply the law that is detailed and well considered. There is evidence of some competent independent inquiry operating with core concepts, methods and techniques to solve familiar problems; Arguments and explanations are provided that are typically supported by the literature and in some cases may challenge some received wisdoms; competently uses all taught media and communication methods to communicate effectively in a familiar settings; an academically rigorous approach applied to some aspects of the tasks is evidenced; some beyond the prescribed range, may rely on set sources to advance work/direct arguments; demonstrates autonomy in approach to learning.**Well done - overall a very good effective performance**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_You have demonstrated a **Very good knowledge** and understanding of key legal principles and legal sources evidenced by some clear independent insight and some critical awareness of relevant of key legal concepts and legal sources, including case law and legislation. The very good ability to apply the law that is detailed and well considered. There is some evidence of competent independent inquiry operating with core concepts, methods and techniques to solve familiar problems; Arguments and explanations are provided that are typically supported by the literature and in some cases may challenge some received wisdoms; competently uses all taught media and communication methods to communicate effectively in a familiar settings; an academically rigorous approach applied to some aspects of the tasks is evidenced; some beyond the prescribed range, may rely on set sources to advance work/direct arguments; demonstrates autonomy in approach to learning.**Well done - overall a very good performance** |
| **Mid Comm.** |
| **Comm**. |
| **PASS** | **High Pass** | You have demonstrated a **Good knowledge** and understanding of key legal principles and legal sources evidenced by some clear insight and some awareness of relevant of key legal concepts and legal sources, including case law and legislation. The ability to apply the law should contain some detail and have some effective consideration.The area of study balanced towards the descriptive rather than critical or analytical and mostly confined to concepts that are not at the forefront of the discipline; evidence of some independent reading and research to advance work and inform arguments and approaches; Arguments and explanations are limited in range and depth although some are adequately supported by the literature albeit descriptively rather than critically; competently uses at least one taught media and communication method to communicate appropriately in familiar settings; although the approach applied to some aspects of the tasks may lack academic rigour, there are some clear areas of competence within the prescribed range. Relies on set sources to advance work/direct arguments and communicated in a way which shows clarity but structure may not always be coherent.**Well done – overall a good well balanced performance****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**You have demonstrated a **Good knowledge** and understanding of key legal principles and legal sources evidenced by some clear insight and some awareness of relevant of key legal concepts and legal sources, including case law and legislation. The ability to apply the law should contain some detail and have some effective consideration.The area of study balanced towards the descriptive rather than critical or analytical and mostly confined to concepts that are not at the forefront of the discipline; evidence of some independent reading and research to advance work and inform arguments and approaches; Arguments and explanations are limited in range and depth although some are adequately supported by the literature albeit descriptively rather than critically; competently uses at least one taught media and communication method to communicate appropriately in familiar settings; although the approach applied to some aspects of the tasks may lack academic rigour, there are some clear areas of competence within the prescribed range. Relies on set sources to advance work/direct arguments and communicated in a way which shows clarity but structure may not always be coherent.**Well done – overall a good performance****\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**You have demonstrated a **Good knowledge** and understanding of key legal principles and legal sources evidenced by some clear insight and some awareness of relevant of key legal concepts and legal sources, including case law and legislation. The ability to apply the law should contain some detail and have some effective consideration.The area of study balanced towards the descriptive rather than critical or analytical and mostly confined to concepts that are not at the forefront of the discipline; evidence of some independent reading and research to advance work and inform arguments and approaches; Arguments and explanations are limited in range and depth although some are adequately supported by the literature albeit descriptively rather than critically; competently uses at least one taught media and communication method to communicate appropriately in familiar settings; although the approach applied to some aspects of the tasks may lack academic rigour, there are some clear areas of competence within the prescribed range. Relies on set sources to advance work/direct arguments and communicated in a way which shows clarity but structure may not always be coherent.**Well done – overall a reasonably good performance** |
| **Mid Pass** |
| **Pass** |
| **FAIL** | **Marginal fail** | Knowledge and understanding **of** key legal principles and legal sources is marginally **insufficient** as the student is typically only able to deal with terminology, basic facts and concepts; Adequate knowledge of concepts within the prescribed range but fails to add meaningful detail or make sufficient links between concepts and facts to adequately solve problems posed by the assessment; some ability to independently select and evaluate reading/research however there is a strong reliance on set sources and to provide descriptive and unsubstantiated arguments/methods; communication/presentation is competent in places and at a threshold level as it fails to demonstrate clarity and focus; inability to adequately define problems and make reasoned judgements; The general approach to tasks lacks rigor and where there is competence and rigor, it is not sustained.  |
| **Mid fail** | Knowledge and understanding of key legal principles and sourcesis insufficient as the student only evidences an understanding of small subset of the taught concepts and techniques; fails to make sufficient links between known concepts and facts to adequately solve relevant aspects of the brief/problem; little ability to independently select and evaluate reading/research with almost total reliance on set sources and unsubstantiated arguments/methods; communication/presentation may be competent in places but fails to demonstrate structure, clarity and/or focus; inability to adequately define problems and make reasoned judgements; The general approach to tasks lacks rigor and competence. |
| **Low fail** | Knowledge and understanding of key legal principles and sources is **highly insufficient** as the student is unable to evidence any meaningful understanding of two or more taught concepts or methods; very limited evidence of reading and research to advance work; inadequate technical and practical skills as the student is unable to use and apply such skills to address problems or make judgements; limited or lack of understanding of the boundaries of the discipline and does not question received wisdom; approach to learning lacks autonomy and approach to tasks is not sustained; inability to communicate coherently. |
| **ZERO** | **Zero** | Work of no merit OR absent, work not submitted, penalty in some misconduct cases. |

**School of Architecture, Design and the Built Environment**

**MSc Construction Management Suite of Courses**

**Coursework Brief 2022/2023**

**Task 1**

Crucially discuss the effective use of letters of intent in the construction industry.

**Guidance note:**

In your discussion consider the impact of the British Steel Corp V Cleveland Bridge and Engineering Co Ltd 1984 1 All ER 504 and Trustees of Ampleforth Abby Trust V Turner Townsend Management Ltd 2012 EWHC 2137 cases on the construction industry.

 **30% of available grade**

 **Indicative limit 1,500 words**

**Task 2**

CP Ltd engaged WW Ltd to renovate the stairway leading to the reception area of one its hotels.

Before work commenced on the stairway one of WW Ltd’s employees placed a sign at the top of the stairs stating: “For the duration of this project WW Ltd accept no responsibility for any damage to property or injury to person’s howsoever caused”. The worker then partially unscrewed the banister to the main staircase with the intention of removing and renovating it. However, before he could remove the banister, he was called away to deal with a problem.

While he was away a resident of the apartments, Miss H (a ballet dancer) and her guest Mr A (a concert pianist) started descending the stair. Mr A grabbed the banister to steady himself and it came away in his hand. Both fell down the stairs and Miss H suffered a broken ankle and Mr A suffered a broken wrist.

The banister bounced down the stairs and destroyed a new computer system installed on the CP Ltd’s reception counter.

**With the use of case law, advise WW Ltd on the use of negligence law to provide compensation for Miss H and Mr A’s injuries and the damage to the new computer system.**

**Guidance Note:**

Include in your answer the application of the ‘flood gates’ to the above incident and use relevant case law to support the points you make.

 **70% of available marks**

 **Indicative limit 2500 words**

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| **MSc Student Assessment Criteria and Feedback Form****Please read in con junction with the specific grade descriptors attached** |
| Course: | MSc Project Management (Constriction), Construction Management & MSc Quantity Surveying | Student ID: |  |
| Module Name: | Law for Construction | Grade: |  |
| Module code: | CONM40008 |
| Assessment type: | Coursework | Graded by:1st Marker | Chris Coffey |
|  |  |
| 2nd Marker verification |  |
| Assessment Date: | Submission date: 2nd December 2021 | Date Graded |  |

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| 1. Clear fail **(2-4)** Fail **(5-7)** Pass **(8-10)** Commendation **(11-14)** Distinction
 |
|   | **Please read these grades in conjunction with the grade descriptors****GRADE-BASED ASSESSMENT** |
| **ILO’s** | **ASSESSMENT Question 1****30% of overall grade** | **Zero** | **Low Fail** | **Mid Fail** | **Marg Fail** | **Low Pass** | **Mid Pass** | **High Pass** | **Com** | **Mid Com** | **High Com** | **Dist** | **Mid Dist** | **High Dist** | **Exc Dist** |
| **Knowledge****Outcome 2****Skills****Outcomes 8 & 9 & 10** | Identification and critical discussion of the relevant legal principles of letters of intent |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Identification and critical discussion of case law on letters of intent |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Quality of the critical discussion of the benefits and detriments of the use of letters of intent in the construction industry |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Grammar & referencing |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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| **ILO’s** | **ASSESSMENT Question 2****70% of overall grade** | **Zero** | **Low Fail** | **Mid Fail** | **Marg Fail** | **Low Pass** | **Mid Pass** | **High Pass** | **Com** | **Mid Com** | **High Com** | **Dist** | **Mid Dist** | **High Dist** | **Exc Dist** |
| **Knowledge****Outcome 3****Skills****Outcomes 8, 9 &10** | Discussion and application of legal principles of duty of care – including case law |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Discussion and application of breach of duty of care – including case law |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Discussion and application of causation – including case law |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Discussion and application of damage – including case law |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Quality of discussion and application of the law to the supplied facts |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  | Grammar & referencing |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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| **Overall Grade****Feedback****Question 1****Question2****General overall comments** |  |

**Student’s Reflection on the Feedback**

**Please answer the following questions and once completed send a copy to the module leader. The module leader will add some comments after you submit this reflection.**

**What did you do well?**

**What are your strengths?**

**What do you need to do to improve?**

**How will you improve?**

**Do you need any help to improve?**

**Do you understand why you got the grade for your work?**

**Module Leader’s comments on your reflection:**