
Building Contract Law, Adjudication and Arbitration Training Course

16 – 27 August 2027
Cape town





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Programme Summary

Building contract law, adjudication and arbitration is the subject of this two-week training course for managers at managerial level who handle claims, notices and disputes on construction contracts, ending in a dispute route file for one live contract. Construction disputes are decided on notices, records and the chosen forum as much as on the merits. The programme moves from the legal sources of a building contract to risk allocation, entitlement, evidence, settlement, adjudication, arbitration and enforcement, using cases from buildings, infrastructure and industrial plant. Mars Training Centre UK delivers this programme on building contract law, adjudication and arbitration to mixed-organisation cohorts.

The Business Case

A construction dispute rarely turns on one dramatic event. It grows from a missed notice, an unrecorded instruction, a variation left unvalued or a dispute clause nobody read until the project was already in difficulty. Leaders who understand the legal position early can protect entitlement, choose a proportionate route and settle on better terms. The programme addresses that discipline in a way that sponsors can apply on the next live contract.

- Claim Exposure: Falls as notices, time bars and records are managed against the contract before positions harden.
- Dispute Cost: Reduces as the route is chosen deliberately between negotiation, adjudication, arbitration and court.
- Recovery Rate: Improves as awards and decisions are prepared for enforcement from the first submission.

Principles and Evidence Base

- FIDIC Conditions of Contract: The Red, Yellow and Silver Books supply the common risk allocation and claims machinery compared in Sessions 2 and 3.
- Dispute Avoidance and Adjudication Board Mechanism: Frames standing and ad hoc board procedure, applied in Sessions 6 and 7.
- ICC Arbitration Rules: Provide the model procedure for starting, running and concluding a case, applied in Session 8.
- Burden of Proof Logic: Requires each party to evidence its own case with dated records, applied in Sessions 4, 5 and 10.



Intended Participants

- Contract managers who draft notices, assess entitlement and correspond on claims.
- Project directors who decide whether a disagreement is settled, referred or escalated.
- In-house counsel who advise project teams on contract rights and dispute clauses.
- Commercial and quantity staff who value variations and prepare claim submissions.
- Owner representatives who respond to claims and manage dispute risk on behalf of a client.

Typical settings include contractors, developers, public works bodies and engineering consultancies.

Learning Outcomes

1. Participants will be able to analyse the structure of a building contract and rank its documents, duties and governing law and forum clauses.
2. Participants will be able to compare standard forms and construct a risk allocation matrix that shows where amendments shift risk.
3. Participants will be able to prioritise notices and time bars so that entitlement is preserved.
4. Participants will be able to evaluate the evidence for a variation, delay or payment claim and diagnose gaps in the record.
5. Participants will be able to justify the choice between negotiation, adjudication, arbitration and litigation for a given dispute.
6. Participants will be able to construct a plan for enforcing or challenging an award.

Programme Structure

Day 1: Building Contract Law: Sources and Duties

Which legal sources govern a building contract, and what do they require of each party?

- Hierarchy of Contract Documents
- Express and Implied Terms Map
- Formation and Authority Checklist
- Governing Law and Forum Clause Review
- Party Duty Matrix

Day 2: Contract Forms and Risk Allocation

How do standard forms allocate risk, and where do amendments shift it?

- FIDIC Red, Yellow and Silver Book Comparison
- Particular Conditions Amendment Log
- Risk Allocation Matrix
- Indemnity and Liability Cap Review
- Unforeseeable Conditions Test



Day 3: Notices, Time Bars and Entitlement

What must be notified, by whom and by when to keep an entitlement alive?

- Notice Clause Decoder
- Time Bar Calendar
- Engineer Determination Steps
- Waiver and Estoppel Screen
- Entitlement Notice Draft

Day 4: Variation, Delay and Payment Claims

How do variation, delay and payment claims turn into disputes?

- Variation Valuation Test
- Extension of Time Logic
- Prolongation Cost Heads
- Payment Certificate Challenge Route
- Termination Right Checklist

Day 5: Evidence for a Construction Dispute

What evidence will an adjudicator or tribunal accept?

- Contemporaneous Record Standard
- Document Disclosure Plan
- Witness Statement Outline
- Expert Report Brief
- Chronology Builder

Day 6: Dispute Avoidance and Settlement

Which steps prevent a dispute or settle it without a ruling?

- Dispute Avoidance and Adjudication Board Procedure
- Mediation Preparation Sheet
- Negotiation Range Table
- Settlement Agreement Terms
- Escalation Ladder Design

Day 7: Adjudication and Expert Determination

How does adjudication produce a fast and binding outcome?



- Referral Notice Structure
- Adjudicator Appointment Rules
- Timetable and Response Plan
- Interim Binding Decision Effect
- Expert Determination Contrast

Day 8: Arbitration Procedure and Award

How is an arbitration started, run and concluded?

- Arbitration Agreement Review
- ICC Arbitration Rules Procedure
- Tribunal Selection Criteria
- Procedural Timetable Draft
- Final Award Structure

Day 9: Enforcement, Challenge and Litigation

How is a decision enforced or challenged, and when is court the right forum?

- Award Enforcement Routes
- Grounds for Challenging an Award
- Court Litigation Comparison
- Security and Guarantee Calls
- Cost and Interest Recovery

Day 10: Dispute Route File for One Live Contract

Do the earlier tools produce one dispute route file that others could rely on?

- Applying the Session 3 Time Bar Calendar
- Testing the Session 5 Chronology Builder
- Reviewing the Session 6 Escalation Ladder
- Comparing the Session 7 and Session 8 Procedure Plans
- Completing the Dispute Route File

Methodology

The programme uses a structured exercise built on one prepared construction contract, with conditions, a notice history, site records, a variation claim and a disputed payment. Participants decide each step, record the reason in a common format and compare results in small groups, then apply the same tools to a contract from their own work.

- Suggested activity: Reading a notice clause and deciding whether a claim is in time.
- Suggested activity: Preparing a short referral to adjudication from a set of site records.



- Suggested activity: Comparing the cost and timetable of arbitration and court for one dispute.

Capstone Output

Each participant completes a dispute route file for one live contract. It holds a contract structure map, a risk allocation matrix, a time bar calendar, a claim chronology, an escalation ladder and a comparison of the available forums with a recommended route. The file is used at work to brief the project team and to support decisions on claims and settlement.

Frequently Asked Questions

Is building contract law training suitable for managers without a legal background?

Yes. Building contract law is taught through a worked contract and plain explanation. The training assumes experience of construction projects or contracts, but no legal qualification or earlier dispute role.

Which references does building contract law, adjudication and arbitration training rest on?

Building contract law, adjudication and arbitration training rests on the FIDIC conditions of contract, the dispute avoidance and adjudication board mechanism and the ICC arbitration rules, together with burden of proof logic.

How is the file from building contract law training used at work?

You use the dispute route file to brief your team, check notices and time bars on a live contract, and justify the forum you recommend for a claim.

How does building contract law and arbitration training differ from claims management training?

Building contract law and arbitration training concentrates on legal rights, forums and enforcement of outcomes, while claims management training concentrates on pricing and proving delay and cost.