Commercial Contract Drafting and Disputes Training Course: Clauses, Claims and Settlement

13 – 17 December 2026
Kuala Lumpur

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Ref: 882_40458 **Date:** 13 – 17 December 2026 **Location:** Kuala Lumpur **Fees:** 4000 GBP

Programme Summary

Commercial contract drafting and disputes, covering clauses, claims and settlement, is the subject of this one-week training course for commercial managers, contract administrators and procurement leads, ending in a clause and claims file for one live contract. Terms that read well at signature often fail when a variation, delay or payment disagreement arrives. The programme moves from risk allocation to clause drafting, notices and claims, dispute routes and settlement, using prepared contract extracts. Mars Training Centre UK delivers this programme on commercial contract drafting and disputes to mixed-organisation cohorts.

The Business Case

Organisations in construction, energy, manufacturing and services sign contracts that move money, risk and responsibility between parties. Managers who can draft precise clauses, manage notices on time and choose the right route when a disagreement starts can protect margins and relationships. Weak wording is usually found only after a claim is made, when changing it is costly.

- Claims Exposure: Falls when risk is allocated in clear clauses and notice duties are tracked from the first event.
- Dispute Cost: Is contained when disagreements are matched to the cheapest suitable route.
- Commercial Relationships: Are preserved when settlements are prepared with evidence and agreed limits.

Principles and Evidence Base

- FIDIC Contract Forms: Widely used conditions of contract for works and plant, applied in Sessions 2 and 3 to study how risk, notices, variations and claims are allocated.
- Dispute Resolution Ladder: The progression from negotiation to mediation, adjudication or dispute board, arbitration and litigation, applied in Session 4 to select a route.
- Expert Determination: A procedure in which a named expert decides a defined question, applied in Session 4 to judge when it suits technical disagreements.

Intended Participants

- Commercial managers who negotiate and sign supply, service and works contracts.
- Contract administrators who issue notices, assess variations and record events.
- Procurement leads who carry clause wording from tender into award.
- Heads of function who sponsor claims or defend them and need to judge legal risk without legal training.
- Project and operations directors who must decide when a disagreement is worth escalating.

Typical settings include construction, energy, manufacturing, public procurement and professional services.

Learning Outcomes

1. Participants will be able to evaluate a draft contract for gaps in scope, payment, delay and termination terms.
2. Participants will be able to construct clauses that allocate risk and state notice duties precisely.
3. Participants will be able to diagnose the contractual basis of a variation or delay claim.
4. Participants will be able to prioritise dispute routes by cost, speed, confidentiality and enforceability.
5. Participants will be able to justify a settlement position with evidence and agreed limits.
6. Participants will be able to compile a clause and claims file for presentation to a senior sponsor.

Programme Structure

Day 1: Commercial Contract Drafting Foundations

What must a contract say to protect the commercial deal?

- Contract Structure Map
- Scope and Payment Term Review
- Risk Allocation Matrix
- Plain-Language Drafting Rules
- Gap and Ambiguity Log

Day 2: Clause Drafting and Risk Allocation

How are liability, delay and change written so they hold under pressure?

- Liability and Indemnity Clause Drafting
- Delay and Damages Clause Design
- Variation Procedure Drafting
- FIDIC Contract Forms Comparison
- Termination and Suspension Wording

Day 3: Notices, Claims and Contract Administration

How does a claim succeed or fail on its notice and its record?

- Notice Calendar and Time Bars
- Contemporary Record Template
- Variation and Delay Claim Build
- Claims Management Register
- Quantum Evidence Review

Day 4: Dispute Routes and Settlement Strategy

Which route resolves this disagreement at the lowest cost to the relationship?

- Dispute Resolution Ladder Selection
- Mediation Preparation Brief
- Dispute Board and Adjudication Comparison
- Expert Determination Scoping
- Settlement Strategy Range

Day 5: Clause and Claims File for One Live Contract

Do the findings join into a file a senior sponsor can act on?

- Applying the Session 1 Gap and Ambiguity Log
- Testing the Session 2 Clause Drafts
- Checking the Session 3 Claims Register
- Reviewing the Session 4 Settlement Range
- Completing the Clause and Claims File

Methodology

The programme is a structured exercise built on prepared contract extracts, correspondence and cost records drawn from works, supply and service agreements. Participants mark up clauses, assemble claim files and prepare settlement positions, then defend them to peers acting as the counterparty and as the sponsor.

- Suggested activity: Redrafting a one-sided liability clause into a balanced allocation.
- Suggested activity: Building a notice calendar from a prepared delay event.
- Suggested activity: Preparing and role-playing a mediation opening position.

Capstone Output

Each participant completes a clause and claims file for one live contract. It holds the gap log, revised clause wording, a notice calendar, a claims register entry and a settlement range. At work it goes to the sponsor for approval, serves as the reference for later amendments and sets the routine for handling the next disagreement.

Frequently Asked Questions

Is commercial contract drafting and disputes training suitable for managers without legal qualifications?

Yes. Commercial contract drafting and disputes are taught through prepared extracts and templates. You need responsibility for signing, administering or defending contracts, but no legal background. The sessions explain legal terms in plain language.

Which models does commercial contract drafting rest on in this training?

Commercial contract drafting here rests on FIDIC contract forms for risk allocation, the dispute resolution ladder for route choice, and expert determination for technical questions, each applied to a drafting or settlement decision.

How is the clause and claims file from commercial contract drafting training used at work?

You take the clause and claims file to your sponsor, use its revised wording in the next amendment or tender, and keep its notice calendar and settlement range as the routine for later disagreements.

How do commercial contract drafting and disputes differ from a programme on contract management?

Commercial contract drafting and disputes concentrate on writing protective clauses and resolving disagreements, while a programme on contract management concentrates on performance monitoring, supplier relationships and renewal across the contract lifecycle.