



Programme in Construction Adjudication

Presented by the Department of Construction Economics, University of Pretoria
in association with MDA Attorneys

5 ECSA CPD Points | CPD Reg No: P002828-2021

Adjudication has for several years been implemented by the South African construction industry as the preferred “on-the-run” dispute resolution procedure. The South African High Courts’ robust approach to enforcing adjudicators’ decisions, typified by Mr Justice Spilg’s statement in *Esor Africa (Pty) Ltd/Franki Africa (Pty) Ltd JV v Bombela Civils JV* that “The court is required to give effect to the terms of the decision made by the adjudicator”, has ensured adjudication has become entrenched in South African jurisprudence.

The Construction Industry Development Board’s proposed Prompt Payment Regulations and Adjudication Standard governing payments and introducing mandatory statutory adjudication under construction works contracts – in both the public and private sectors – will profoundly change the way the South African construction industry operates.

Now in its fifth year, the **Programme in Construction Adjudication** examines adjudication practice in the South African construction industry and is specifically tailored to produce the highest standard of competent and qualified adjudicators – who, between disputing parties, in the words of Mr Justice Jackson, are properly equipped to “find some sensible resolution of their problem” enabling them to “then get back to their real business”.



Construction & Technology Attorneys

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Shifting knowledge to insight



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Programme content

- Introduction to South African law and legal theory (for non-lawyers) **OR** Construction practice and technology (for lawyers)
- South African and international construction law: principles and application (including an in-depth study of the four CIDB endorsed standard form construction contracts)
- Construction claims and disputes
- Dispute resolution and adjudication procedure and practice

You will be required to bring the following documents for participation in the course:

- *NEC4: Engineering and construction contract*
- *General Conditions of Contract for Construction Works, 2015 (3rd Edition)*
- *FIDIC Red Book – Conditions of Contract for Construction for Building and Engineering Works Designed by the Employer (Second Edition 2017)*
- *JBCC Principal Building Agreement Edition 6.2-May 2018 and JBCC Minor Works Edition 5.2 2018*

Learning outcomes

After successfully completing the programme, you will be able to

- demonstrate a working knowledge of South African construction law and the legal system (non-lawyers) **OR** demonstrate a working knowledge of construction practice and technology (lawyers)
- understand the nature, extent and application of South African construction law in the formulation of construction claims
- understand the prosecution and defence process of construction claims
- apply and use the four CIDB-endorsed standard form construction contracts
- execute methods for avoiding or resolving construction disputes (including construction adjudication, alternative dispute resolution, arbitration and litigation)
- examine and compare the current statutory framework for construction adjudication applied in various countries
- analyse the nature, extent and application of contractual adjudication as implemented throughout the South African construction industry
- understand the interrelationship of various forms of construction contracts
- examine the various initiatives and steps being implemented to promote the application of construction adjudication
- put a statutory framework for construction adjudication in place
- consider the procedural and drafting issues that arise through construction adjudications, and
- demonstrate know-how of the necessary techniques and requirements for producing an enforceable award.

Who should enrol?

This programme is ideal for you if you are a construction or legal professional who have experience in the construction industry, and you currently advise, assist or represent parties in construction adjudications or disputes. You will also benefit from this programme if you intend to become, or are already, a practising adjudicator, or if you have a particular interest in construction law, claims and contracts.

Programme fees

R45 500.00 per delegate (VAT incl.)

Programme fees includes all course notes and material, lunch and refreshments during contact days.

Admission requirements

Prospective delegates should at least have a relevant bachelor's degree and/or relevant work experience. Proof of qualifications and experience should accompany your application.

Programme dates

Module 1: 12 - 13 February 2021

Module 2: 12 - 13 March 2021

Module 3: 7 - 8 May 2021

Module 4: 25 - 26 June 2021

Module 5: 20 - 21 August 2021

Module 6: 24 - 25 September 2021

Module 7: 22 - 23 October 2021

Module 8: 19 - 20 November 2021

Exam: 7 and 9 December 2021 (4 hours each)

Accreditation and certification

Enterprises University of Pretoria (Pty) Ltd is wholly owned by the University of Pretoria. As a public higher education institution, the University of Pretoria functions in accordance with the Higher Education Act 101 of 1997. Enterprises University of Pretoria offers short courses on behalf of the University and these short courses are not credit-bearing, and do not lead to formal qualifications on the National Qualifications Framework (NQF) – unless stated otherwise. Delegates who successfully complete a short course and comply with the related assessment criteria (where applicable) are awarded certificates of successful completion and/or attendance by the University of Pretoria.

Successful delegates who comply with the relevant assessment criteria may request the necessary documentation for Associate Membership registration and Fellowship Course enrolment from the Association of Arbitrators (Southern Africa) NPC (rochelle@arbitrators.co.za). Fellowship of the Association of Arbitrators (Southern Africa) NPC will entitle successful delegates to be included on the Association's adjudication panel.

Registration and enquiries

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Programme leader

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Shifting knowledge to insight

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