

# Training

## Claims and disputes - an overview

Systech International specialises in the provision of comprehensive training programmes and standalone seminars, tailored to meet your specific needs. Our training is carried out by professionals who are actively involved in construction and related industries, and who can give hands on advice. Our training sessions have proven to be of huge benefit to our clients combining academic and practical elements to enhance greater understanding.

**To discuss your training requirements or to book a seminar, please contact:**

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## Claims and disputes - an overview

### Introduction

- Definitions
- What is a claim/dispute?
- Dispute avoidance
- Delays to progress and completion
- Float
- Total float
- Free float
- Relevant events
- Excusable delays

### Key legal and contractual concepts

- Commencement
- Completion
  - Practical completion
  - Partial possession
  - Periods for completion
- Acts of prevention
- Mitigation
- Acceleration
- Purpose of extension of time clauses
- Time = money?
- Liquidated and ascertained damages
- Penalties
- Unliquidated damages
- Dotting-on principle
- Who owns the float?
- Time at large
- Concurrent delays
- Global claims

### Key contract issues

- NEC 3
- JCT 2005
- ICE 7th Edition

### Sub-Contractors

- Contract formation
- Notice provisions

### Record keeping and evidence

- Records, records and records
- Contemporary v after the event
- On site
  - Site diaries
  - Timesheets/allocation sheets
  - As-built programmes
  - Progress photographs
- Head office
- Correspondence
- Site meetings
- Notices
- Credibility, weight and admissibility
- Disclosure and discovery
- Animations and graphics

### Claim preparation

- What constitutes a good claim – how best to present your case
- Moving from a claim to a dispute

### Dispute resolution

- Preparing for:
  - Mediation
  - Adjudication
  - Arbitration
  - Litigation
- Which method is suitable and when?
- Know your timetable
- Getting ready to 'press the button'
- Preparing a defensive strategy
- Ambush tactics – are they still relevant?

### Horror stories

- When it all goes horribly wrong...