

TOPIC 1: INTRODUCTION TO CONSTRUCTION LAW

Terminology

- i. **Principal** = Employer = Owner = Proprietor;
 - Party for whose benefit the project is to be constructed;
- ii. **Architect**;
 - Suitably qualified person normally engaged by a Principal (Architect's client) to provide *design* and *documentation services*;
 - May also be engaged as **agent for a Principle** during course of a Contract to act in the capacity of Superintendent;
- iii. **Engineers** (structural, mechanical, electrical etc.);
- iv. **Superintendent** = Contract Administrator, Architect or Administration Manager
 - Generally engaged by the **Principal** to administer the building Contract;
 - Not a party to the Contract;
 - May have a **dual** role: i. Issue directions to the Contractor on behalf of the Principal; and ii. Carry out certification tasks as a party independent to the Principal;
 - Creates tension between Superintendent's role as **Principal's agent** (and therefore clearly representing Principal's interests) and as a certifier (which must be undertaken independently);
- v. **Head Contractor/ Construction Manager**;
 - Direct contractual relationship with the owner → contract by which the Contractor undertakes the **entire obligation** for the construction of the project;
- vi. **Subcontractors**;
 - Person to who the contractor lets certain work which the contractor is required to carry out under a Head Contract;
 - Contractor will enter into a K relationship with the subcontractor;
 - Normally, the contractor will remain liable under the Head Contract for *all* work actually carried out by a subcontractor;
- vii. **Building surveyor/ inspector**;
 - Issues building permit;
 - Examine building foundations;
 - Lock-up stage: Where building is secure etc.
 - Final inspection on completion of project and issues occupancy permit;