

SPECIALIST CONSTRUCTION LAW COMPETENCIES MARCH 2025

SPECIALIST COMPETENCIES – CONSTRUCTION LAW – 2025

The Legal CES competencies are split into core and specialist competencies.

OPTIMUM STANDARDS

Each of the activities under the competencies must be signed off to a specific standard, indicated by one of the letters A, K, E or B. The definitions of these are given below.

A	Appreciation	A general awareness of the activity is required. This could be acquired by reading a magazine article or attending a CPD event.
K	Knowledge	This standard requires a more detailed level of knowledge understanding of the activity. This could be acquired by undertaking a training course or other type of study but not necessarily put into practice e.g. a subject area on a degree course.
E	Experience	To reach this standard the activity must have been performed independently or under supervision. This may be achieved by undertaking the activity in a work context over a period of time. Experience of the activity or subject should follow on and be additional to appreciation and knowledge in that subject area.
B	Ability	To be able, without supervision, to perform relevant functions and be able to supervise other less experienced staff. This may be evidenced by the undertaking of management roles or experience gained over time.



C Law Specialist 01	Competency		Legal Rules and their Application at the formation Stage							
Item	Optimum		Activity Detail	Date of Assessment						
	Technical	Member		A	K	E	B			
A	K	K	Role and obligation of various parties such as clients, professionals, managers etc.							
B	K	E	Advice on consequences of failure to value and certify works							
C	K	K	Various civil engineering design options and relevant risk and consequences of them from legal perspective.							
D	K	E	Advice on analysis and comparisons of contract and subcontract tenders and tender budget information.							
E	K	K	Various scheme funding options and corporate governance and corporate responsibility							

Name of Supervisor:	Name of Applicant:
Supervisor's Signature:	Date:



C Law Specialist 02	Competency		Project / commercial management and law						
Item	Optimum		Activity Detail	Date of Assessment					
	Technical	Member		A	K	E	B		
A	K	E	Assessment of performance of agreed works in the light of express and implied contract terms and tortious liability and advise the project management on those aspect.						
B	K	B	The production of change/additions to the existing work and ensure compliance with contractual and legal procedure both under the contract or amending it.						
C	A	K	The basics of corporate liability and responsibility						
D	A	E	Identify and interpret Key stages of performance and Result Measures, from a legal perspective.						

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Supervisor's Signature:	Date:



C Law Specialist 03	Competency		Recording works progress and determining/evaluating the effects of delay, prolongation and disruption from a legal perspective							
Item	Optimum		Activity Detail	Date of Assessment						
	Technical	Member		A	K	E	B			
A	K	E	Audit and compare suitable contemporary records of work progress and their evidential value.							
B	K	E	Evaluation of recorded work through applying relevant financial assessment methods.							
C	E	E	The causes of delay, means of delay analysis and their critical and non-critical effects on project completion and entitlement to extensions of time.							
D	E	B	The effects of disruption on resources and progress, and methods of demonstrating disruption effects.							
E	E	B	Apply a range of valuation techniques to items of change and understand the relative strengths and weaknesses of those techniques.							

*Significant knowledge gap between technical and member grades is anticipated

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Supervisor's Signature:	Date:



C Law Specialist 04	Competency		Pricing and its consequences including payment of damages.							
Item	Optimum		Activity Detail	Date of Assessment						
	Technical	Member		A	K	E	B			
A	K	E	The legal effect of the various types of price, including the consequence of using Bills of Quantities, Schedules of Rates, and Activity Schedules and their preparation in accordance with standard methods of measurement.							
B	K	E	Legal implication of the different risks associated with measurement and pricing carried out under remeasurement contracts, lump sum contracts and target cost/cost reimbursable contracts and design and construct contracts.							
C	K	E	Pricing document and its effects on claims, mis-performance / non-performance, force majeure and frustration.							
D	K	E	Liquidated damages and unliquidated damages and their applications							

*Significant knowledge gap between technical and member grades is anticipated

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Supervisor's Signature:	Date:



C Law Specialist 05	Competency		Management of interim and final payments and legal consequences							
Item	Optimum		Activity Detail	Date of Assessment						
	Technical	Member		A	K	E	B			
A	K	E	Apply the contractual and statutory provisions relating to applications for payment including Contractor and Employer/Project Manager assessments, certificates and payment for both interim and final payments and release of retention.							
B	K	E	Preparation, presentation, negotiation and agreement of interim and final payments, including re-measurement in accordance with a standard method of measurement.							
C	K	E	Understanding of what constitutes Settlement Agreements and auditing of project final payment and certificate							
D	K	E	Advice on reparation and evaluation of compensation event claims, and/or other claims based upon contractual entitlement, and/or insurance claims.							
E	K	E	Closing the project contract, final certificate, termination and post termination obligation including defects of all types.							

*Significant knowledge gap between technical and member grades is anticipated

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Supervisor's Signature:	Date: