

FEEDBACK

STUDENT NAME: Mohamed Shafik

PROGRAMME: MSc/LLM Construction Law & Practice

MODULE: Fundamentals of Construction Law

TUTOR: Brodie McAdam

Mark Range	GRADE DESCRIPTION
70- 100	Distinction: D
60 – 69	Merit: M
50 - 59	Pass: P
0 – 49	Fail: F

The marks which appear on this document are the “raw” marks. They do not take account of any late penalties which may apply, nor the effect of any moderation exercise, nor the impact of any successful PMC.

To minimise the effect of late penalties each task will be assessed independently so that the submission of one part late will not cap the marks available for parts submitted on time.

Marks are only “final” once they have been ratified by an exam board.

Task 1

ASSESSMENT CRITERIA		Grade
1	Brevity and clarity of writing style	M
2	Utility of the submission as a reference point for other students	M
3	Depth of understanding of relevant legal/technical concepts demonstrated	M
4	Evidence of effective group work	M
Assignment 1 Mark¹		61 %

A helpful introduction to a very broad topic. It seems that your group struggled more than most with getting full participation and indeed one of your number now seems to be a non-participant more generally.

¹ 20% weighting

Task 2		
ASSESSMENT CRITERIA		MARK
1	Brevity and clarity of writing style	M
2	Ability to develop an argument supported by accurately cited relevant evidence and/or authority	M
3	Depth of understanding of relevant legal concepts	M
4	Ability to clearly articulate relevant legal concepts	D
5	Ability to apply concepts to a given scenario	D
6	Capacity for critical and original thought	M
Assignment 2 Mark²		66 %
<p>There is quite a bit of introductory discussion which is arguably a little too long winded, but it does set the scene. You then deal succinctly with contract formation.</p> <p>In relation to ground conditions I can see what your view is, but to establish that view you do need to deal with some of the common law principles which seem to run contrary to your view, and you have not mentioned these; e.g. risk in ground conditions is generally considered at common law to be the contractor's – the <i>Bottoms</i> case and the <i>San Paolo</i> case. I don't think there is a foreseeability issue at common law, though there is under some SFCs eg the ICE forms.</p> <p>Remember also that we do not here have an SFC which states that design liability is the employer's, as there was in the <i>Sinclair</i> case, we have a situation where a set of designs have been put to the contractor who has offered to build the building for £x. This arguably is closer to the <i>Thorn</i> and the <i>Tharsis</i> cases than any others.</p> <p>You deal appropriately with the harvester and the heat pump. You could have also referred to the SGSA 1982 in relation to the harvester.</p> <p>You deal very briefly with the blocks issue. I do not disagree with your conclusion, but you could make the point that the contractor has a primary obligation to complete the works on time and has a duty therefore to manage works .supplies etc in order to do that.</p> <p>Appropriate consideration of whether a penalty and prevention.</p> <p>Overall you deal appropriately and at some depth with most of the issues.</p>		

² 40% weighting

I would work even harder at “neutralising” the style that you use. The professional paradigm in the UK in which we expect students to become proficient, tends to limit the use of the first person singular, certainly in reports and to minimise the use of colour and capitalised terms etc [“Contractor” better than “CONTRACTOR” etc]. It is a somewhat sober style I know, but it is one of the norms of this discipline.

Keep at it.

Task 3		
ASSESSMENT CRITERIA³		MARK
1	Brevity and clarity of writing style	M
2	Accuracy of citation of source material	D
3	Depth of understanding of relevant legal concepts demonstrated	D
4	Ability to develop a legal argument	D
5	Ability to clearly articulate relevant legal concepts	D
6	Capacity for critical and original thought	D
Assignment 3 Mark⁴		70 %
<p>A good well structured piece of work. Perhaps rather too much in the way of headings etc for a true essay form [essays should typically move from section to section by indications within the text rather than by being signposted by headings] but still an effective submission.</p>		
OVERALL MARK		67%

³ In the assessment criteria there was a duplicate entry re “depth of understanding of relevant legal concepts” which I have excluded.

⁴ 40% weighting