University of the Built Environment
EST. 1919

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Negligence and Damages

Module Descriptor

Module Code:	LAW7TOR
Version:	V1.00
Status:	Final
Date:	20/10/2026

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Summary Module Details

Module details

Module Title: Negligence and Damages

Module Leader: Hazel Iobo

Module Mode: Supported online learning

Semester: Spring (UK)

Level: 7

Credits: 20

Learning Hours: 200

Contact & Study Hours

Directed Study Time: 60 hrs (30%)

Self-directed Study Time: 70 hrs (35%)

Assessment Study Time: 70 hrs (35%)

Assessment Type

Coursework: 80%

Computer Marked Assessment: 20%

Module Summary

This module provides an initial examination of the principles of the Law of Tort as it applies specifically to the construction industry, engineering projects, and property development. It focuses on the legal obligations that arise independently of contract law (civil wrongs), which hold construction professionals and contractors liable for damage, injuries, or economic loss. The module addresses how construction activities can lead to tortious liability, covering essential principles such as the duty of care, breach, causation, and damages, alongside specific defences available in tort claims.

Taken on which Programmes

LLM Construction Law **(C)**

PG Dip Construction Law **(C)**

PG Cert Construction Law **(C)**

Core (C) or Elective (E)

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Module Aims

This module aims to:

- Develop an understanding of the principles and rules of the Law of Tort within the context of the construction industry, particularly focusing on the role of tortious liability in the absence of contractual relationships;
- Identify key components of negligence such as duty of care, breach of duty, causation, and damage as they apply to construction projects, including liability for defective design and professional negligence;
- Examine the principles of specific torts relevant to construction, such as occupiers' liability, private nuisance (e.g. noise, dust), trespass, and to evaluate the interplay between tort and contract law, specifically regarding concurrent liability, economic loss, and the role of collateral warranties; and
- Enhance legal reasoning and problem-solving skills by applying case law and statutory principles to complex construction disputes, utilising AI in legal research and reasoning, and identifying potential liabilities for various stakeholders (contractors, architects, engineers).

Module Learning Outcomes

LO1. Critically evaluate situations where tortious liability arises in construction projects.

LO2. Apply legal and critical analysis of principles of negligence, nuisance, and occupiers' liability to practical, contentious construction scenarios.

LO3. Critically assess the risks associated with tortious claims in construction projects and evaluate the effectiveness of risk mitigation strategies, including mitigations through professional practice.

LO4. Critically evaluate key legal precedents (e.g. *Murphy v Brentwood*) shaping the liability of professionals and contractors in tort.

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Indicative Module Content

Module topics

- **Negligence and professional liability**

  The module will seek to analyse duties owed by architects, engineers, and surveyors (professional negligence), including the standard of care and liability for negligent design or advice.

- **Defective premises and works**

  Liability for physical damage to 'other property', Latent Defects, and the distinction between recoverable physical damage, and non-recoverable 'pure economic loss' in tort will be addressed.

- **Occupiers' liability**

  The scope of the legal duties owed by contractors and site owners under the occupiers' liability legislation to employees, visitors, and trespassers on a construction site will be examined.

- **Nuisance and trespass**

  Nuisance and trespass will be addressed, considering issues related to noise, vibration, dust, and encroachment on neighbouring land (private nuisance).

- **Vicarious liability & third-party liability**

  The vicarious liability of employers for the acts of their employees, and the interaction between contractual parties and third parties will be examined, considering relevant legislation and legal precedent.

- **Concurrent liability**

  The interplay between tortious claims and contract law, and the significance of limitation periods under the Limitation Act 1980 (as amended) will be examined.

This content will be reviewed and updated regularly to reflect the legal, moral and financial changes in professional standards and practice.

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Overview of Summative Assessment

Module learning outcomes	Assessment	Word count or equivalent	Weighting
LO1	**Assessment 1** Computer Marked Assessment (CMA)	1,500	20%
LO2, LO3 & LO4	**Assessment 2** Coursework	3,500	80%

Module Pass Mark (as a weighted average of all assessments): 50%

Key Module Learning Resources

Core Sources and Texts

The core reading resources within each module will be provided via the specific Virtual Learning Environment (VLE) module pages and within the e-Library. Additional reference material and supplementary resources to support your studies are available through the University e-Library.

Module tools

Students will have access to study materials, dedicated academic support, student forums, and learning activities via an online learning platform (VLE).

The module page on the VLE is broken down into structured study weeks to help students plan their time, with each week containing a mixture of reading, case studies, videos/recordings and interactive activities to go through. Online webinars/seminars led by the Module Leader can be attended in real time and provide opportunities to consolidate knowledge, ask questions, discuss topics and work through learning activities together. These sessions are recorded to support students who cannot attend and to enable students to recap the session and work through it at their own pace. Module forums on the VLE provide further opportunities to discuss topics with other students, complete collaborative work and get extra help from the module team.

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Professional online resources

The e-Library provides access to trusted, quality online resources, selected by subject specialists, to support students' study. This includes journals, industry publications, magazines, academic books and a dissertation/work-based library. For a list of the key industry specific and education resources available please visit the VLE e-Library.

Other relevant resources

Access is also provided to further information sources that include the British Library and Open University UK catalogues, as well as providing a monthly current awareness service entitled, ***Knowledge Foundations*** - a compendium of news, research and resources relating to the educational sector and the Built Environment.

The module resource list is available on the module VLE page and is updated regularly to ensure materials are relevant and current.

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