

**ASIAN INSTITUTE OF TECHNOLOGY
SCHOOL OF ENGINEERING AND TECHNOLOGY
Offshore Technology and Management**

**ELP 1.8: LEGAL PRINCIPLES AND REGULATORY REQUIREMENTS 3(3-0)
Semester: JAN 2016**

Rationale: Leaders have legal duties and ethical responsibilities in the performance of their jobs. For capacity building projects, such duties and responsibilities include an awareness of legal and regulatory requirements, and ethical constraints of the society in which the project is being performed. Organizational leaders require knowledge of the legal and ethical constraints in which they work, and also how (or when) to consult with relevant local authorities or professional societies to ensure that they comply with acceptable standards in the performance of their work.

Catalog Description: The focus of the course is to provide non-legal professionals with an overview of laws and regulations governing capacity building public works projects, including financial regulations (e.g., compliance requirements); corporate laws and regulations; and basic legal principles.

Pre-requisite:

1. ELP 1.1 : Developing Leadership Capability
2. ELP 1.2 : Communication Skill for Leaders
3. ELP 1.4 : Project Management Practices

Course Outline:

1. Basic Legal Principles - Contract
 - 1.1. Basic contract principles, formation and validity at: common law; civil law
 - 1.2. Sharia Law
 - 1.3. Subject to Contract and Without Prejudice
 - 1.4. Damages, Liquidated Damage and Penalties
 - 1.5. Work Product. What is “professional work product”
 - 1.6. Jurisdiction Clauses
2. Basic Legal Principles - Tort
 - 2.1. Basic tort principles – duty, breach causation
 - 2.2. Strict liability
 - 2.3. Damages – Remoteness of Damage
3. International Law
 - 3.1. Public and Private International Law
 - 3.2. Treaties

- 3.3. Law of the Sea
- 3.4. International Courts

- 4. Legal duties of professional staff and executive officers.
 - 4.1. Professional legal liability and duties
 - 4.2. Employment Relationship between employer and employee
 - 4.3. Scrutiny of contacts

- 5. Specific Contracts I
 - 5.1. Professional services: what are they?
 - 5.2. Contracting
 - 5.3. Contracting with Governments/Government Participation

- 6. Specific Contracts II
 - 6.1. Planning contracts
 - 6.2. Design contracts
 - 6.3. Construction contracts

- 7. Specific Contracts III
 - 7.1. Operation and Maintenance Agreements
 - 7.2. Finance Agreements

- 8. Insurance I
 - 8.1. Basic principles
 - 8.2. The parties
 - 8.3. The claims process
 - 8.4. Lloyd's of London/Companies Market
 - 8.5. Operating Insurance

- 9. Insurance II
 - 9.1. Business Interruption
 - 9.2. Professional Liability Risks
 - 9.3. Pollution/the environment
 - 9.4. War, Terror and Political Risk

- 10. Accidents, disasters and their legal consequences

- 11. Legal and regulatory requirements in the execution of engineering or technical projects
 - 11.1. Within national boundaries (a country)
 - 11.2. Over several countries
 - 11.3. Consideration of international law
 - 11.4. Consideration of international funding organizations (compliance)
 - 11.5. Taxation

- 12. International dispute resolution
 - 12.1. Litigation

12.2. Arbitration

12.3. Mediation

13. Health and safety legal requirements

14. Professional ethics

Laboratory session: 15 hours of interactive session

Textbook: Lecture notes and selected papers

Reference books:

1. *Guide to Project Management: Getting it right and achieving lasting benefit*, by Paul Roberts, Publisher Wiley; 2 edition (February 4, 2013)
2. *Project Estimating and Cost Management*, by Parviz F. Rad, Publisher Management Concepts, 2002.
3. *A Guide to the Project Management Body of Knowledge: PMBOK(R) Guide 5th Edition*, by Project Management Institute, Publisher Project Management Institute; 5 edition (January 1, 2013).
4. *Practical Contract Management*, by Ray Carter, Publisher: Liverpool Academic Press (February 1, 2012).
5. *Upstream Oil and Gas Taxation* by Abrhamason (Tolleys 2014)
6. *Petroleum Taxation* by Carole Nakhle (Routledge 2012)
7. *Enterprise Contract Management: A Practical Guide to Successfully Implementing an ECM Solution*, by Anuj Saxena, Publisher: J. Ross Publishing (March 17, 2008).

Journals and Magazines:

1. Journal of Financial Regulation
2. International Journal of Project Management
3. Journal Legal, Ethical and Regulatory Issues
4. Journal of Public Administration Research and Theory
5. Contract Management, Magazine from the National Contract Management Association
6. <http://www.projecttimes.com/>

Grading system:

1. Mid-sem exam (25%)
2. Final exam (40%),
3. Assignments/projects (15%).
4. Laboratory Sessions (20%).

Instructor: Mr. Angus Stuart

Expected outcomes: Students at the completion of the course should have:

1. Understanding of legal duty and professional ethical obligations.
2. Understand basic contracts: civil law, common law, sharia law.
3. Understanding the legal issues and regulatory requirements for performing a contract (viz., a project).
4. Understanding dispute resolution processes.
5. Knowledge of legal and ethical requirements and constraints in the performance of a contract.