

THE OPEN UNIVERSITY OF SRI LANKA
 Department Of Civil Engineering
 Construction Management Programme - Level 7
 Post Graduate Diploma / Stand Alone Courses



CEM 7106/CEE7106/CEP2106 - The Law and the Construction Industry

FINAL EXAMINATION - 2006/2007

Time Allowed : Three (03) Hours

Date : 2007 - 03 - 17 (Saturday)

Time : 0930 - 1230 hrs.

Answer any *Five (05)* questions.

- Q1) i) What are the institutions that create law in Sri Lanka ?
- ii) How important
- a) Custom
- b) Opinion of Jurists, as sources of Law in Sri Lanka.
- Q2) i) Explain the reasons why Mediation Boards were established in Sri Lanka.
- ii) Do you consider whether the Disputes Adjudication Boards currently being appointed in Civil Engineering contracts is an extension to the concept of mediation in the right direction? Give reasons for your answer.
- Q3) In September 2000 the Urban Council of Utopia adopted a policy of selling houses to council's tenants. In February 2001 the Council wrote a letter to tenant A stating that the council "may be prepared to sell the house to you at the purchase price of Rs. 1 Million" and invited A to make a formal application, which he did.
- Prior to the normal process of preparation and exchange of contract were completed, the control of the Council changed hands due to Elections held in April 2001. The new administration reversed the policy of selling councils' houses and A was not allowed to purchase the house. A sued the council stating that a binding contract exists. Can A succeed? Give reasons for your answer.
- Q4) What do you mean by Exemption clauses? You should support your answer by two examples to show that an exemption clause cannot be introduced into the contract unilaterally after it is made.
- Q5) Write short notes on liability based on Negligence as to the following.
- i) Negligence professional advice
- ii) Defectively constructed buildings
- iii) Occupiers liability for dangerous buildings and premises



- Q6) i) What is a servitude ?
ii) Describe briefly the common types of servitudes attached
a) to lands in Sri Lanka
b) Connected with ownership of buildings with an illustration in each case.
- Q7) i) How do you distinguish between an employee and an independent contractor ?
ii) What test would you apply to determine whether employer and employee relationship exists ?
- Q8) i) What are the six specific methods by which conflicts could be resolved in terms of Industrial Disputes Act ?
ii) What is the difference between voluntary Arbitration and Compulsory arbitration ?

