

Course guide

310723 - 310723 - Building Construction Law

Last modified: 27/06/2023

Unit in charge: Barcelona School of Building Construction
Teaching unit: 732 - OE - Department of Management.

Degree: BACHELOR'S DEGREE IN ARCHITECTURAL TECHNOLOGY AND BUILDING CONSTRUCTION (Syllabus 2019).
(Compulsory subject).

Academic year: 2023 **ECTS Credits:** 6.0 **Languages:** Catalan, Spanish

LECTURER

Coordinating lecturer: Jaume Guixà Mora

Others: ANA BELÉN ALMÉCIJA CASANOVA - BLANCA BALLESTER CASANELLA - JUAN CARLOS PIQUE HERNANDEZ. (Se aplicará el Plan Estudios 2019).

PRIOR SKILLS

Those indicated in the 2019 Study Plan regulations.

REQUIREMENTS

Those indicated in the 2019 Study Plan regulations.

DEGREE COMPETENCES TO WHICH THE SUBJECT CONTRIBUTES

Specific:

1. FB-8 Basic knowledge of the legal regulations of the Public Administration and the procedures of public and private procurement.
2. FE-18 Knowledge of the law of the construction and the contractual relations which occur in the different phases of the construction process, as well as the specific legislation, rules and regulations of the prevention and coordination in matters of safety and occupational health in construction.
3. FE-22 Knowledges of the organisation of the professional work and studies, offices and professional societies, the regulations and rules related with the functions which the Building Engineer develops and the responsibility framework associated to the activity.
4. FE-31 Knowledge of the functions and responsibilities of the agents which intervene in the construction and their professional or managerial organisation, as well as the administrative, managerial and processing procedures.

Transversal:

6. SELF-DIRECTED LEARNING - Level 2: Completing set tasks based on the guidelines set by lecturers. Devoting the time needed to complete each task, including personal contributions and expanding on the recommended information sources.

TEACHING METHODOLOGY

- . Presentation method / lecture: Oral presentation by the academic staff on the subject contents.
- . Explanatory and participative lesson incorporating time for participation and intervention of students with short duration activities in the classroom.
- . Exercises and problem solvings: the students are asked to develop appropriate solutions applying correct procedures, processing the available information and interpreting the results.
- . Case study: intensive and comprehensive analysis of an event, issue or actual case in order to learn from it, interpret it, solve it, generate hypotheses, compare their data, reflect on it, complete their knowledge, diagnose it and sometimes try out possible alternative solution procedures.

LEARNING OBJECTIVES OF THE SUBJECT

The course aims primarily to introduce students to the legal world related to the construction sector through the study of civil and administrative regulations that apply to the different phases of construction from the management point view, with special emphasis on administrative and civil procurement rules and regulations related to environmental protection in construction.

STUDY LOAD

Type	Hours	Percentage
Self study	90,0	60.00
Hours large group	36,0	24.00
Hours medium group	24,0	16.00

Total learning time: 150 h

CONTENTS

(ENG) C1: Introductory chapter

Description:

This content works on:

1 -. Objective law and rule types.

Related activities:

Activity 1 will be held, corresponding to classroom practice with some guided activity, and activities 2 and 3 corresponding to the subject partial and final testing.

Full-or-part-time: 30h

Theory classes: 6h

Practical classes: 6h

Self study : 18h

(ENG) C2: Obligations, contracts and private contracting in the construction industry

Description:

This content works on:

2 - Obligations and Contracts.

3- Contracts on purchase, sale and exchange of site for future construction.

4 - Lease contracts for works and services.

5 - Construction Planning Law: Recruitment and responsibilities..

6 - Organization of professional work. Association for the exercise of professional activities.

Related activities:

Activity 1 will be held, corresponding to classroom practice with some guided activity, and activities 2 and 3 corresponding to the subject partial and final testing.

Full-or-part-time: 30h

Theory classes: 6h

Practical classes: 6h

Self study : 18h

(ENG) C3: Property, real rights and servitudes

Description:

This content Works on:

- 7. - Real Estate. Undivided property: New Construction and Horizontal Division.
- 8. - actual rights and servitude.
- 9. - Ownership and actual rights registration Related activities

Related activities:

Will be held in Activity 1, corresponding to practices carried out in the classroom and end of the course work and activities 2 and 3, corresponding to the partial and final testing of the subject.

Full-or-part-time: 30h

Theory classes: 6h

Practical classes: 6h

Self study : 18h

(ENG) C4:Public administration, administrative procedure and administrative contracting

Description:

This content Works on:

- 10 -. Public administration. The administrative organization.
- 11 -. Administrative procedure and administrative act.
- 12. - Administrative contracting.

Related activities:

Will be held in Activity 1, corresponding to practices carried out in the classroom and end of the course work and activities 2 and 3, corresponding to the partial and final testing of the subject.

Full-or-part-time: 30h

Theory classes: 6h

Practical classes: 6h

Self study : 18h

(ENG) C5: Environmental protection in construction

Description:

This content Works on:

- 13. - Legal protection of the environment. Administrative intervention.
- 14. - Integrated prevention and control of pollution. Building environmental impact assessment. Environmental criminal law.

Related activities:

Will be held in Activity 1, corresponding to practices carried out in the classroom and end of the course work and activities 2 and 3, corresponding to the partial and final testing of the subject.

Full-or-part-time: 30h

Theory classes: 6h

Practical classes: 6h

Self study : 18h

ACTIVITIES

(ENG) PRACTICES (CONTENT 1, 2, 3, 4 and 5)

Description:

Deliveries will consist on practices throughout the course, beginning in the classroom, individually, and delivered to the teacher on the indicated date, as in some cases part of the practice may require data and legislation available only outside the classroom. A final paper on the course is also required.

Specific objectives:

At the end of practice, the student should:

- Know the regulatory system and specific Spanish Autonomous Community of Catalonia as a basis for the study of the subject.
- Be able to interpret and develop the main contracts that affect the construction industry, and understand and organize professional societies for the practice of the profession.
- Know the essential aspects of real estate, registration charges which may affect the property and the systematic of registration for the protection of property; understand the organizational structure of public administration, its operation, as well as relations with the government through the administrative act, the administrative procedure and the various forms of government procurement.
- Know and apply the rules on environmental protection for construction.

Material:

All material (notes, books) that students may need are available in ATENEA.

Delivery:

Correction and verification by the faculty of the achievement of specific objectives reached by the students. Represents 40% of the final qualification.

Full-or-part-time: 45h

Practical classes: 30h

Self study: 15h

(ENG) PARTIAL TEST (CONTENTS 1, 2 and 3)

Description:

PARTIAL TEST: Individual and writing of half the syllabus of the subject.

Specific objectives:

After the test, students should be able to:

- Knowing Spanish and specific regulatory system of the Autonomous Community of Catalonia as a basis for the study of the subject
- Be able to interpret and develop the main contracts that affect the construction industry, and to understand and organize professional societies for the practice of the profession.
- Learn the essential aspects of real estate, the registry burdens that influence the ownership and registration for systematic protection of property.

Material:

Statements of the partial test.

Delivery:

Resolution of the test. Represents 20% of the final grade for the course.

Full-or-part-time: 7h

Theory classes: 2h

Self study: 5h

(ENG) FINAL TEST (CONTENTS 1, 2, 3, 4 and 5)

Description:

Individual and written about the whole subject.

Specific objectives:

After the test, students should:

- . Know the regulatory system and specific Spanish Autonomous Community of Catalonia as a basis for the study of the subject.
- . Be able to interpret and develop the main contracts that affect the construction industry, and understand and organize professional societies for the practice of the profession.
- . Know the essential aspects of real estate, registration charges which may affect the property and the systematic of registration for the protection of property.
- . Understand the organizational structure of public administration, its operation, as well as relations with the government through the administrative act, the administrative procedure and the various forms of government procurement.
- . Know and apply the rules on environmental protection for construction..

Material:

Final test.

Delivery:

Resolution of the test. Represents 40% of the final qualification of the course.

Full-or-part-time: 7h

Theory classes: 2h

Self study: 5h

GRADING SYSTEM

The final score is the sum of the following partial grades:

- Training: 40% of the final grade
- Partial Test: 20% of the final grade
- Final test: 40% of the final grade

FINAL MARK: PRACT 1 (40%) + PARTIAL TEST (20%) + FINAL MARK (40%).

To access the Final Reevaluation exam, you must have a minimum pro-mid grade of 3.5 (UPC standard).

EXAMINATION RULES.

All the proposed continuous evaluation activities must be delivered to the teaching staff. Completion and presentation of the final work is mandatory. The final test is individual, written and without any kind of support material.

BIBLIOGRAPHY

Basic:

- Carrasco Perera, A. ; Cordero Lobato, E. ; González Carrasco, C. Derecho de la construcción y la vivienda. 7a ed. Cizur Menor, Navarra: Aranzadi, 2012. ISBN 9788499030814.
- Sala Sánchez, P ... [et al.]. Derecho de la edificación. 2a ed. Barcelona: Bosch, 2000.
- Carrasco Perera, A. ; Cordero Lobato, E. ; González Carrasco, C. Comentarios a la ley de ordenación de la edificación. 5a ed. Elcano: Aranzadi, 2012.
- Pozo Carrascosa, Pere del ; Vaquer Aloy, A. ; Bosch Capdevila, E. Derecho civil de Cataluña : derechos reales. Barcelona: Marcial Pons, 2012. ISBN 9788497687300.
- Ayala Muñoz, José M^a ... [et al.]. Régimen jurídico de las administraciones públicas y procedimiento administrativo común. 4a ed. Madrid: Aranzadi, 2009.
- Llavador Cisternes, Hilario ... [et al.]. Gestión local Aranzadi contratación administrativa. 2a ed. Madrid: Aranzadi, 2009. ISBN 9788497677554.
- Valle Muñiz, José Manuel ... [et al.]. La Protección jurídica del medio ambiente. Pamplona: Aranzadi, 1997.
- Puig Brutau, José. Compendio de derecho civil. Barcelona: Bosch, 1987-1991.
- Luquin Bergareche, Raquel. Mecanismos jurídico-civiles de tutela ambiental. Madrid: Aranzadi, 2005.
- Arenas Cabello, Francisco Julio. El Impacto ambiental en la edificación : criterios para una construcción sostenible. Madrid: Edisofer, 2007.
- Roja Fernández-Rio, Angel. Comentario de la ley de sociedades profesionales. Valencia: Ed. Tirant lo Blanch, 2009. ISBN 9788447031580.
- Esteve Pardo, José. Derecho del medio ambiente. 3a ed. Barcelona: Ed. Marcial Pons, 2014. ISBN 9788415948667.
- Tratado de arquitectura legal. Pamplona: Aranzadi, 2013. ISBN 9788490148785.
- Díaz Barco, Fernando. Manual de derecho de la construcción : adaptado al Código técnico de la Edificación y a la Ley reguladora de la subcontratación en el sector de la construcción. 2a ed. Cizur Menor (Navarra): Aranzadi, 2007. ISBN 9788483551288.
- Arco Torres, Miguel Ángel del. Derecho de la construcción : aspectos administrativos y civiles. 8a ed. Granada: Comares, 2010. ISBN 9788498366761.
- Martín Mateo, Ramón. Manual de derecho ambiental. 3a ed. Cizur Menor (Navarra): Aranzadi, 2003. ISBN 9788497672474.
- Ley 38/1999, de 5 de noviembre, de Ordenación de la Edificación [on line]. Madrid: Ministerio de Fomento, 2000 [Consultation: 01/09/2020]. Available on: <https://www.boe.es/eli/es/l/1999/11/05/38/con>. ISBN 8449804604.

Complementary:

- Cervilla Domínguez, Miguel. La Responsabilidad civil de los agentes de la edificación. Madrid: Difusión Jurídica y Temas de Actualidad, 2011. ISBN 9788492656844.
- Gallardo Fernández, Lluís. Dret acústic de Catalunya. Barcelona: De Guàrdia Cat, 2014. ISBN 9788494034183.
- Tratado de servidumbres : régimen de las servidumbres en el Código Civil. 3a ed. Cizur Menor (Navarra): Aranzadi Thomson Reuters, 2013. ISBN 9788490149324.
- Burzaco Samper, María. Evaluación de impacto ambiental. Esquemas. Ley 21/2013, de 9 de diciembre, de evaluación de impacto ambiental. Madrid: Dykinson, 2014. ISBN 9788490317976.
- Arana García, Estanislao... [et al.]. Nociones básicas de contratación pública. Madrid: Tecnos, 2014. ISBN 9788430961382.