

Module Ref
Module Title

CL05
Negotiating Effective
Contracts in
Upstream Oil And Gas

Introduction

This 5 day seminar is usually run on an in-house basis over non consecutive dates. However it is plausible to run it on consecutive dates if the delegates are able to attend a venue outside their normal work environment to minimise interruptions.

The Learning Outcomes

- Develop a basic knowledge of the broad principles of English Contract law and Tort law and selected insights into the law of contract and negligence in other jurisdiction
- Develop a deeper understanding of the Operator/Contractor contracts in Upstream and Gas which relate to exploration, development and production
- Explore the key practical, commercial and legal risks in the upstream sector
- Develop an in depth knowledge of practical contract law and contract negotiation including issues such as liabilities, warranties and indemnities
- Develop a deeper understanding of the issues and law relating to claims and dispute resolution and of the role played by insurance in risk management and contract negotiation

Who Should Attend?

Negotiating Effective Contracts in Upstream Oil and Gas is ideal as an introductory course for management, commercial and contracts staff or indeed anyone involved in the negotiation or management of Operator/Contractor contracts and managing such relationships. Although the course is not aimed at experienced legally qualified staff it may serve as an introduction to in-house legal staff who are relatively new to roles in Operator and Supply Chain Companies in the Upstream Oil and Gas sector



Course methodology

The course will be highly student centred and will ample time for student interaction. The course methodology will comprise a mixture of short presentations, video conference link sessions, group exercises, case studies, practical exercises and other activities. Each day will represent a self contained course with the 5 days building into a coherent week long programme. Coffee and registration will commence at 09.00 on Day One with a prompt start at 09.30. There will be two refreshment breaks at appropriate times and lunch will be served following close of day at 16.30.

Delegates will also receive notes and a CD with cases and legislation for further personal learning.

Course Summary

Day 1

- An Introduction To Risk In The Upstream Oil And Gas Industry
- The International Legal For Oil And Gas Exploration, Development And Production, Jurisdiction And Choice Of Law
- The Basics Of Contract Law
- The Basics Of The Law Of Negligence
- The Three Tiers Of Contracts In Upstream Oil And Gas

Day 2

- Key Contract Terms, Contract Clauses And Contract Structure
- Operator/Contractor Agreements - The Tendering Process
- Formation Of Contract
- Standard Contracts
- Letters Of Intention
- Features Of Specific Contracts – Drilling, Well Services,



Day 3

- Dealing With Risk Associated With Performance
- Legal Remedies
- Damages And Liquidated Damages
- Warranties

Day 4

- Dealing With Risk Associated With Harm To People And Property
- Exclusion And Limitation Of Liability
- Indemnification
- The Role Of Insurance In Risk Management

Day 5

- Dealing With Commercial Risks
- Termination Of Contract
- Intellectual Property Rights
- Non Payment
- Claims And Dispute Resolution

The Course Team

The course will be led by **Dr Richard Mays** who is a UK qualified lawyer. He was the founder of Juridical an innovative legal and business consultancy providing services to the Upstream Oil and Gas Industry. He now practices law exclusively in the Oil and Gas field and acts for Operator clients and several supply chain contractors. Previously Richard was Head of the School of Public Administration and Law at the Robert Gordon University Aberdeen. He is the author of several books and numerous published papers. As well as practising law Richard delivers professional development sessions to the Upstream Oil and Gas Industry. His recent clients for professional development include the Expro Group, KBR, PSN & Acergy. In recent months he has delivered professional development in contract law to over 150 delegates for 40 different oil and gas companies.

Richard will be drawing on his contacts to deliver specialist sessions for this 5 day course by video link. These include **Derek Auchie**, Department of Law Robert Gordon University, Aberdeen who is an expert in dispute resolution. Derek will deliver a session on dispute resolution clauses in contracts and dispute resolution techniques.

Mr. Tim Clarke for a worldwide insurance and risk consultant and will deliver a presentation on Construction All Risks policies and other Upstream Insurance matters.

Delegates will receive a Certificate of Attendance on completion of the seminar.

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