

Management Building Contract 2011
Management Works Contract 2011
(MCWC/A and MCWC/C)

Amendment 1
Issued March 2015 (Effective from 6 April 2015)

CDM Regulations

Clause number and heading	Action
<u>MCWC/A</u>	
Article 2	Delete 'in compliance with regulations 11, 12 and 18 of the CDM Regulations and in accordance with such instructions and directions as the Management Contractor may give for the integration of the design for the Works Contractor's Designed Works with the design of the Project as a whole' and insert 'in accordance with the CDM Regulations and such instructions and directions as the Management Contractor may give for the integration of the design for the Works Contractor's Designed Works with the design of the Project'
Works Contract Particulars, item 5.4	Delete the existing entry and footnote [12]
Works Contract Particulars, item 5.5	Renumber as -4; Delete '(inclusive of the Works Contractor's CDM Planning Period)'
Works Contract Particulars, item 5.6	Renumber as -5; After 'commence work (see item)', delete '5.5' and insert '5.4'
Works Contract Particulars, item 5.7	Renumber as -6
Schedule of Information, item 1.4	Delete 'CDM Co-ordinator' and insert 'Principal Designer'; Delete footnote [35]
Schedule of Information, item 2	Delete the existing text and footnote [39] and insert the following: 'A copy of those extracts from the Construction Phase Plan relevant to the Works is annexed.'
<u>MCWC/C</u>	
Clause 1.1	Delete the definition of 'CDM Co-ordinator'; 'CDM Regulations': delete '2007' and insert '2015'; 'Construction Phase Plan': delete 'where the project is notifiable under the CDM Regulations, those parts of the construction phase plan for the Management Contract' and insert 'those parts of the Construction Phase Plan for the Management Contract that are'; After the definition of 'Principal Contractor', insert the following new definition: <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;">'Principal Designer:</div> <div>the person named as such in the Schedule of Information or any successor appointed by the Employer.';</div> </div> Delete the definition of 'Works Contractor's CDM Planning Period'
Clause 2.1	After 'Construction Phase Plan and', delete 'other'
Clause 2.2.3	Delete '11, 12 and 18' and insert '8 to 10'
Clause 2.6.1	Delete 'regulations 11, 12 and 18 of the CDM Regulations' and insert 'clause 2.2'

Clause number and heading	Action
Clause 2-14-1	Delete 'regulations 11, 12 and 18 of the CDM Regulations' and insert 'clause 2-2-3'
Clause 2-20-1	Delete '3-20-4 in respect of' and insert '3-20-3 in respect of documents and information relating to'
Clause 2-25	Delete the existing text and insert the following: 'Where there are Works Contractor's Designed Works, the Works Contractor, in addition to his health and safety file-related obligations under clause 3-20-3, shall, before practical completion of the Works or such works in the relevant Section and without further charge to the Management Contractor, supply for retention and use by the Management Contractor and the Employer such Works Contractor's Design Documents and related information as may be specified in the Works Contract Documents or as the Management Contractor may reasonably require that show or describe the Works Contractor's Designed Works as built or relate to the maintenance and operation of them or their installations.'
Clause 3-3-2-1	Delete the existing text and footnote [5] and insert the following: 'each party to the sub-subcontract shall in relation to the Project and the site comply with applicable CDM Regulations;'
Clause 3-5-3	Delete 'regulations 11, 12 and 18 of the' and insert 'applicable'
Clause 3-20	Delete the existing text and insert the following: 'Each Party undertakes to the other that in relation to the Project and the site he will duly comply with applicable CDM Regulations. In particular but without limitation: ·1 if the Employer notifies the Management Contractor of a new appointee as Principal Designer and/or as Principal Contractor, the Management Contractor shall immediately copy that notification to the Works Contractor; ·2 the Management Contractor shall ensure that the Works Contractor is supplied forthwith with any updates or revisions of the Construction Phase Plan; ·3 the Works Contractor shall at no cost to the Employer or the Management Contractor comply with all reasonable directions and requirements of the Principal Designer and the Principal Contractor relating to compliance by the Works Contractor with applicable CDM Regulations including the supply of all documents and information reasonably necessary for the purposes of the health and safety file; no extension of time shall be given in respect of such compliance.'

Incorporation of the modifications

The modifications may readily be incorporated in one of two ways:

either by amending the Works Contract Agreement and Conditions in accordance with this Amendment and executing that agreement in its amended form, with each amendment initialled by or on behalf of each party

or by attaching this Amendment to the Works Contract Agreement; and, prior to execution, inserting the following further provision in the Articles with the next available number (i.e. normally as Article 7):

"Article [____]: Amendment 1: CDM Regulations – incorporation

This Agreement and the Works Contract Conditions shall have effect as modified by the amendments set out in the attached Amendment 1: CDM Regulations."

(that Article in similar fashion being initialled on execution.)