

Contents

	<i>Page 1</i>		
Agreement			Supply of Documents, Setting Out etc.
Recitals	2	2.8	Contract Documents
		2.9	Levels and setting out of the Works
Articles	5	2.10	Construction information
		2.11	Further drawings, details and instructions
1 Contractor's obligations			
2 Contract Sum			
3 Architect/Contract Administrator			
4 Quantity Surveyor		2.12	Errors, Inconsistencies and Divergences
5 Principal Designer		2.13	Bills of Quantities
6 Principal Contractor			Instructions on errors, omissions and inconsistencies
7 Adjudication		2.14	Instructions – additions to Contract Sum, exceptions
8 Arbitration			Divergences from Statutory Requirements
9 Legal proceedings		2.15	Emergency compliance with Statutory Requirements
		2.16	
Contract Particulars	8		
Attestation	18		Unfixed Materials and Goods – property, risk etc.
Conditions		2.17	Materials and goods – on site
		2.18	Materials and goods – off site
Section 1 Definitions and Interpretation	25		Adjustment of Completion Date
1.1 Definitions		2.19	Notice of delay – extensions
		2.20	Relevant Events
Interpretation			
1.2 Reference to clauses etc.			Practical Completion, Lateness and Liquidated Damages
1.3 Agreement etc. to be read as a whole			
1.4 Headings, references to persons, legislation etc.		2.21	Practical completion and certificates
1.5 Reckoning periods of days		2.22	Certificate of non-completion
1.6 Contracts (Rights of Third Parties) Act 1999		2.23	Liquidated damages for non-completion
1.7 Notices and other communications		2.24	Repayment of liquidated damages
1.8 Issue of Architect/Contract Administrator's certificates			
1.9 Effect of Final Certificate		2.25	Partial Possession by Employer
1.10 Effect of certificates other than Final Certificate		2.26	Contractor's consent
1.11 Consents and approvals		2.27	Practical completion date
1.12 Applicable law		2.28	Defects etc. – Relevant Part
		2.29	Insurance – Relevant Part
			Liquidated damages – Relevant Part
Section 2 Carrying out the Works	33		
Contractor's Obligations		2.30	Defects
2.1 General obligations		2.31	Rectification
2.2 Materials, goods and workmanship			Certificate of making good
2.3 Fees and charges			
Possession		2.32	CDP Design Work
2.4 Date of Possession – progress		2.33	As-built Drawings
2.5 Deferment of possession		2.34	Copyright and use
2.6 Early use by Employer			Design liabilities and limitation
2.7 Work not forming part of the Contract			
		Section 3 Control of the Works	42
		Access and Representatives	
		3.1	Access for Architect/Contract Administrator
		3.2	Person-in-charge

3.3	Clerk of works	4.21	Final Certificate and final payment	
3.4	Replacement of Architect/Contract Administrator or Quantity Surveyor			
	Sub-Contracting	Section 5	Variations	54
3.5	Consent to sub-contracting		General	
3.6	Conditions of sub-contracting	5.1	Definition of Variations	
3.7	Named Sub-Contractors	5.2	Valuation of Variations and provisional sum work	
	Architect/Contract Administrator's Instructions		The Valuation Rules	
3.8	Compliance with instructions	5.3	Measurable Work	
3.9	Non-compliance with instructions	5.4	Daywork	
3.10	Provisions empowering instructions	5.5	Change of conditions for other work	
3.11	Instructions requiring Variations	5.6	Additional provisions	
3.12	Postponement of work	5.7	Contractor's Designed Portion – Valuation	
3.13	Instructions on Provisional Sums			
3.14	Inspection – tests	Section 6	Injury, Damage and Insurance	57
3.15	Work not in accordance with the Contract		Personal Injury and Property Damage	
3.16	Instructions as to removal of work etc.	6.1	Contractor's liability – personal injury or death	
3.17	Exclusion of persons from the Works	6.2	Contractor's liability – loss, injury or damage to property	
3.18	CDM Regulations	6.3	Loss or damage to Existing Structures or their contents	
Section 4	Payment		Insurance against Personal Injury and Property Damage	
	Contract Sum and Adjustment			
4.1	Work included in Contract Sum	6.4	Contractor's insurance of his liability	
4.2	Adjustment only under the Conditions	6.5	Contractor's insurance of liability of Employer	
4.3	Adjustment of Contract Sum	6.6	Excepted Risks	
4.4	Fluctuations – Named Sub-Contractors			
	Taxes		Insurance of the Works and Existing Structures	
4.5	VAT	6.7	Insurance Options and period	
4.6	Construction Industry Scheme (CIS)	6.8	Related definitions	
	Payments, Certificates and Notices – general provisions	6.9	Sub-contractors – Specified Perils cover under Works Insurance Policies	
4.7	Advance payment	6.10	Terrorism Cover – policy extensions and premiums	
4.8	Interim payments – due dates and certificates	6.11	Terrorism Cover – non-availability – Employer's options	
4.9	Interim payments – calculation of sums due	6.12	Evidence of insurance	
4.10	Listed Items	6.13	Loss or damage – insurance claims and reinstatement	
4.11	Contractor's Payment Applications and Payment Notices	6.14	Loss or damage to Existing Structures – right of termination	
4.12	Interim and final payments – final date and amount		Joint Fire Code – compliance	
4.13	Pay Less Notices and other general provisions	6.15	Application of clauses	
4.14	Contractor's right of suspension	6.16	Compliance with Joint Fire Code	
	Loss and Expense	6.17	Breach of Joint Fire Code – Remedial Measures	
4.15	Matters materially affecting regular progress	6.18	Joint Fire Code – amendments/revisions	
4.16	Notification and ascertainment		CDP Professional Indemnity Insurance	
4.17	Relevant Matters	6.19	Obligation to insure	
4.18	Amounts ascertained – addition to Contract Sum	6.20	Increased cost and non-availability	
4.19	Reservation of Contractor's rights and remedies	Section 7	Assignment, Performance Bonds and Guarantees and Collateral Warranties	65
	Final Adjustment and Final Payment			
4.20	Final adjustment	7.1	Assignment	
		7.2	Performance Bonds and Guarantees	

	Collateral Warranties		Insurance Option C (Joint Names Insurance by the Employer of Existing Structures and Works in or Extensions to them)	
7.3	Rights Particulars			
7.4	Notices			
7.5	Execution of Collateral Warranties			
7.6	Contractor's Warranties – Purchasers and Tenants			Schedule 2 Named Sub-Contractors 78
7.7	Contractor's Warranty – Funder			
7.8	Sub-Contractors' Warranties			Schedule 3 Forms of Bonds 81
Section 8	Termination	67	Part 1: Advance Payment Bond Part 2: Bond in respect of payment for off-site materials and/or goods	
	General			
8.1	Meaning of insolvency			
8.2	Notices under section 8			Schedule 4 Fluctuations – Contribution, levy and tax fluctuations 87
8.3	Other rights, reinstatement			Schedule 5 Supplemental Provisions 91
	Termination by Employer			Schedule 6 Design Submission Procedure 94
8.4	Default by Contractor			
8.5	Insolvency of Contractor			
8.6	Corruption and regulation 73(1)(b) of the PC Regulations			
8.7	Consequences of termination under clauses 8.4 to 8.6			
8.8	Employer's decision not to complete the Works			
	Termination by Contractor			
8.9	Default by Employer			
8.10	Insolvency of Employer			
8.11	Termination by either Party and regulations 73(1)(a) and 73(1)(c) of the PC Regulations			
8.12	Consequences of Termination under clauses 8.9 to 8.11, etc.			
Section 9	Settlement of Disputes	73		
9.1	Mediation			
9.2	Adjudication			
	Arbitration			
9.3	Conduct of arbitration			
9.4	Notice of reference to arbitration			
9.5	Powers of Arbitrator			
9.6	Effect of award			
9.7	Appeal – questions of law			
9.8	Arbitration Act 1996			
	Schedules			
Schedule 1	Insurance Options	75		
	Insurance Option A (New Buildings – All Risks Insurance of the Works by the Contractor)			
	Insurance Option B (New Buildings – All Risks Insurance of the Works by the Employer)			