

JCT 2009 Revisions

Briefing note

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Changes to the Standard Build Contract and Design and Build Contract

It has been a busy summer for the Joint Contracts Tribunal (the JCT) with the most significant series of revisions yet to their widely used 2005 suite of construction contracts.

Introduced in four tranches, the amended contract documents will be referred to as the '2009 Revisions'. To assist with their transition into use, the JCT have published a number of guides to accompany their revisions.

What are the key changes?

The JCT say that the main thrust of the amendments to the 2005 suite of contracts is two-fold:

- the incorporation of provisions relating to sustainability; and
- adoption of aspects of the Office of Government Commerce's

achieving Excellence in Construction initiative

More controversially, there are also amendments to aspects of the JCT Contract payment provisions, in advance of the changes to payment provisions which are currently going through the legislative process.

Amendments

The JCT will no doubt come in for some criticism in respect of the new amendments, in particular as:

- the JCT will not be producing a definitive list of amendments. Users will have to rely on the guides and their advisors to find out what the actual line by line amendments are;
- the cost of purchasing an entire copy of the revised documents is not going to be cheap; and

- the changes to construction legislation currently in the pipeline make it difficult to defend the decision to amend aspects of the payment provisions.

Whilst welcoming the JCT's decision to update the documents, which aim to reflect the growing commitment within the industry to sustainable development, the changes do not come without a slight slump of the shoulders in those now faced with getting to grips with the new documents.

Whilst JCT contracts are used in approximately 70% of all UK building projects, commentators are wondering whether the upheaval might just push devotees into the arms of its competitors, such as the increasingly popular and user friendly NEC.



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