

## Addendum - Scottish Amendments to the Guidance on Contractual Issues Caused by Coronavirus

### Part 1 – General Considerations

#### A. Impact of Coronavirus on the construction industry

1. Contractors working in Scotland should be aware that at the time of publication of this note (4 May 2020), the guidance for carrying out construction activities in Scotland is different to elsewhere in the UK. In Scotland, only essential construction works can be undertaken even if proper health and safety provisions are in place. Contractors should ensure that they comply at all times with any laws, regulations or guidance issued by the Scottish Government from time to time, as this position may change.
2. At the end of Paragraph 5, add the words “Force majeure”.
3. At the end of Paragraph 6, add the words “Part 2, A.6. Part 3, A.5”.

#### D. Variations (see also [JCT](#) and [NEC](#) sections for specific guidance)

1. Change the title to: “D. Variations (see also SBCC and NEC sections for specific guidance)”.

#### G. Materials

1. At the end of Paragraph 1, add the words “extension of time”.

#### I. Public Contracts

1. Add in the words “(SPPN 01/20)”, to the first line of paragraph 1, after the words “The Scottish government has issued a Scottish Procurement Policy Note”.
2. Add in the words “(SPPN 02/20)”, to the first line of paragraph 2, after the words “There is also a Scottish Procurement Policy Note”.

### Part 2 – JCT Contracts

1. At the end of the first paragraph, add the words “Appendix at Part 2”.

#### B. Health and Safety

1. At the end of Paragraph 1, add the words “Clause 2.25.6.1”.
2. At the end of Paragraph 2, add the words “Clause 2.25.6.1”.

#### C. Price

1. After the words “In SBCC contracts where fluctuations options”, add “(see SBCC fluctuations)” into paragraph one.
2. At the end of paragraph two (Variations), add the words “Time and Programme - SBCC Contracts”.

### Part 3 – NEC Contracts

1. At the end of the second sentence, add the words “Appendix at Part 3”.

### **A. Time and Programme (including force majeure)**

1. At the end of limb A, add the words “Force majeure”.

### **B. Health and Safety**

1. At the end of Paragraph 1, add the words “SBCC – Health and Safety”.

### **C. Price**

1. At the end of Paragraph 1, add the words “Time and Programme”.

## **Appendix – Specialist Sub-Contractors**

### **Part 2 – SBCC Contracts (using SBCC Design and Build Sub-Contract Conditions, 2016 Edition (DBSub/C/Scot) as an example)**

#### **A. Time and Programme (including force majeure)**

1.
  - a. Clause 2.12.2.1
  - b. Clause 2.19.8
  - c. Clause 2.19.15
  - d. Clause 2.19.16
  - e. Clause 2.19.17 (r)
2.
  - a. Clause 2.19.1
  - b. Clause 2.19.3
  - c. Clause 2.19.8
4. Clause 2.19.15 (a)
5. Clause 2.19.8 and 2.19.16
6. Clause 2.17.1
7. Clause 2.18.6
8. Clause 2.18

#### **B. Health and Safety**

1. Clause 2.18.6
2. Clause 2.18.6 (U)

#### **C. Price**

1. At the end of Paragraph 2 – Variations, add the words “Clause 2.12.2.1”.
2. At the end of Paragraph 4 - Retention Issues, at limb B, add the words “Clause 2.22.2”.

#### **D. Termination**

1. At the end of the first sentence, add the words “clause 7.10”.

## Part 3 – NEC Contracts (using NEC4 Engineering and Construction Subcontract as an example)

### A. Time and Programme (including force majeure)

1.
  - a. Clause 60.1 (19)
  - b. Clause 60.1 (21)
  - c. At the end of limb c, add the words “clause X2.1”
2. Add the words "Clause 60.1 (19), Clause 19.1”
3.
  - a. Clause 60.1 (4)
  - b. Clause 60.1 (2)
  - c. Clause 60.1 (1)
  - d. Clause 60.1 (18)
  - e. Clause 60.1 (3) and (5)
  - f. Clause 60.1 (16)
  - g. Clause 60.1 (17)
4. Clause 10.2
5. At the end of the first sentence of Paragraph 5, add the words “Clause 61.3”. At the end of Paragraph 5, add the words in “Clause 61.4”.

### B. Health and Safety

1. Clause 10.2

### C. Price

1. At the end of paragraph 2, add the words “Options A to E”.

### D. Termination

1. Clause 91.7