

2016 Edition

SBC/G/Scot

**Standard Building Contract
Guide for use in Scotland**

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Contents

Introduction

General
2016 edition changes
Format and Risk Allocation
Content of the Guide

Page 1

Agreement

3

Recitals

3

Articles

3

Contract Particulars

3

Signing

4

Conditions

6

Section 1 – Definitions and Interpretation

6

Definitions (clause 1.1)
Interpretation (clauses 1.2 to 1.12)

Section 2 – Carrying out the Works

6

Contractor's Obligations (clauses 2.1 to 2.3 and Supplemental Provisions 1, 4 and 5)
Possession (clauses 2.4 to 2.7)
Supply of Documents, Setting Out etc. (clauses 2.8 to 2.12 and Schedule Part 1 (Design Submission Procedure) and Supplemental Provision 7)
Errors, Discrepancies and Divergences (clauses 2.13 to 2.18)
Contractor's Design Work and Liability (clauses 2.19 and 2.20 and Supplemental Provision 3)
Fees, Royalties and Patent Rights (clauses 2.21 to 2.23)
Unfixed Materials and Goods (clause 2.24)
Adjustment of Completion Date (clauses 2.26 to 2.29 and Schedule Part 2)
Practical Completion, Lateness and Liquidated Damages (clauses 2.30 to 2.32)
Partial Possession by Employer (clauses 2.33 to 2.37)
Defects (clauses 2.38 and 2.39)
Contractor's Design Documents (clauses 2.40 and 2.41)

Section 3 – Control of the Works

10

Access and Representatives (clauses 3.1 to 3.6)
Sub-Contracting (clauses 3.7 to 3.9 and Supplemental Provisions 8 and 9)
Architect/Contract Administrator's Instructions (clauses 3.10 to 3.22 and Schedule Part 4)
CDM Regulations (clause 3.23 and Supplemental Provision 2)

Section 4 – Payment (and Schedule Part 6 – Forms of Bonds and Contracts of Purchase)

12

Contract Sum and Adjustments (clauses 4.1 to 4.4)
Taxes (clauses 4.5 and 4.6)
Payments, Certificates and Notices – general provisions (clauses 4.7 to 4.13)
Interim Payments – calculation of sums due (clauses 4.14 to 4.15)
Off- site materials and goods (clause 4.16)
Retention (clauses 4.17 to 4.19)
Loss and Expense (clauses 4.20 to 4.24)
Final Adjustment and Final Payment (clauses 4.25 and 4.26)

Section 5 – Variations	14
General (clauses 5.1 to 5.5 and Schedule Part 2)	
The Valuation Rules (clauses 5.6 to 5.10)	
Section 6 – Injury, Damage and Insurance (and Schedule Part 3 – Insurance Options)	15
Personal Injury and Property Damage – indemnity and insurance (clauses 6.1 to 6.5)	
Insurance of the Works and Existing Structures (clauses 6.7 to 6.14 and Schedule Part 3)	
CDP Professional Indemnity Insurance (clauses 6.15 and 6.16)	
Joint Fire Code (clauses 6.17 to 6.20)	
Section 7 – Assignment, Performance Bonds and Guarantees, Third Party Rights and Collateral Warranties (and Schedule Part 5 – Third Party Rights)	18
Section 8 – Termination	20
General (clauses 8.1 to 8.3)	
Termination by Employer (clauses 8.4 to 8.8)	
Termination by Contractor (clauses 8.9 and 8.10)	
Termination by either Party and regulations 73(1)(a) and 73(1)(c) of the PC (Scotland) Regulations (clause 8.11)	
Consequences of Termination under clauses 8.9 to 8.11, etc. (clause 8.12)	
Section 9 – Settlement of Disputes	22
General (and Supplemental Provision 6)	
Mediation (clause 9.1) and ADR	
Adjudication (clause 9.2)	
Arbitration (clauses 9.3 to 9.5) and litigation (Article 9)	
Appendix A – Model Form for the Rights Particulars	24
Appendix B – Related Publications	26
Appendix C – SBC/Scot 2016 Changes	27

Introduction

General

- 1 This edition of the Guide to the Standard Building Contract for use in Scotland has been issued in conjunction with the 2016 edition of the Contract (SBC/Scot 2016).
- 2 The Standard Building Contract continues to be published in three versions: With Quantities (Q), Without Quantities (XQ) and With Approximate Quantities (AQ). Each continues to include the provisions designed to meet the needs of both private and public sectors.
- 3 The Contract is primarily appropriate for larger works where most of the works have already been designed and/or detailed by or on behalf of the Employer, where detailed contract provisions are required and where the Employer is to provide the Contractor both with drawings and with either bills of quantities (Q and AQ) or a specification or work schedules (XQ) to define the required quantity and quality of the work.
- 4 Each version requires the appointment of an Architect/Contract Administrator and Quantity Surveyor to administer the contract; each allows both for Contractor's design of discrete part(s) of the works (the Contractor's Designed Portion) and for the works to be carried out in sections.

2016 edition changes

- 5 The principal changes in the 2016 edition of SBC/Scot are:
 - to change the dispute resolution default position from court proceedings to arbitration;
 - to introduce a pro forma testing clause;
 - the incorporation, with minor changes, of the provisions of the SBCC Public Sector Supplement 2011 relating to Fair Payment, Transparency and Building Information Modelling;
 - adjustments to reflect the Construction (Design and Management) Regulations 2015 ('the 2015 CDM Regulations');
 - the inclusion of provisions to reflect relevant aspects of the Procurement Reform (Scotland) Act 2014 (the "Procurement Act") and of the Public Contracts (Scotland) Regulations 2015 ('PC (Scotland) Regulations');
 - the incorporation of the provisions of the SBCC 2012 Named Specialist Update;
 - an extension of (Works) Insurance Option C to allow alternative solutions to the problems for tenants and domestic homeowners of obtaining Existing Structures cover for Contractors, accompanied by consolidation within the main text of the previous general provisions of Insurance Options A, B and C relating to evidence of insurance, insurance claims and reinstatement work;
 - the revisions and simplification of the section 4 payment provisions, including introduction of a procedure for prompt assessment of Loss and Expense claims, the establishment for Fair Payment purposes of Interim Valuation Dates that are also to apply at sub-contract and sub-subcontract levels, further flexibility in relation to Fluctuations Provisions and consolidation in a single sub-section of the notice requirements of the Housing Grants, Construction and Regeneration Act 1996, as amended ('the Construction Act');
 - inclusion of provisions for the grant of Performance Bonds and Parent Company Guarantees;
 - extension of the optional provisions for collateral warranties from sub-contractors to include Third Party Rights ('TPR') from them;
 - minor updating and clarification of the SBCC IPR provisions.
- 6 Together with minor consequential amendments and in common with other SBCC contracts SBC/Scot 2016 also:
 - introduces minor updates in terminology: the Articles remain in their existing format but reference to them has been dropped from the Agreement heading; 'Measurement Rules' (the RICS New Measurement Rules, unless otherwise stated) now supersede the Standard Method of Measurement; and 'Site Manager' supersedes 'Person in charge';

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