

2016 Edition

SCWa/E/Scot

**Sub-Contractor Collateral Warranty
for Employer for use in Scotland**

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SBC581

SAMPLE ONLY

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Warranty Agreement

Between

(1)

(Company No. _____)^[1]

of/whose registered office is at _____

_____ ('the Sub-Contractor')

And

(2)

(Company No. _____)^[1]

of/whose registered office is at _____

_____ ('the Main Contractor')

[1] Where the Sub-Contractor, Main Contractor or Employer is neither a company incorporated under the Companies Acts nor a company registered under the laws of another country, delete the references to Company number and registered office. In the case of a company incorporated outside Scotland or England and Wales, particulars of its place of incorporation should be inserted immediately before its Company number.

And

(3)

_____ (Company No. _____) [1]

of/whose registered office is at _____

_____ (the Employer,
which term shall include all permitted assignees under this Agreement).

SAMPLE ONLY

Whereas

- First** the Employer has entered into an agreement dated _____
with the Main Contractor ('the Building Contract') for the carrying out of building works

_____ ('the Main Contract Works',
which term shall include any changes made to the building works in accordance with
the Building Contract);
- Second** in relation to the Building Contract, the Sub-Contractor entered into an agreement ('the
Sub-Contract') dated _____ with the Main Contractor, to carry out
and complete certain works ('the Sub-Contract Works') forming part of the Main Contract
Works;
- Third** the Main Contractor is a Party to this Agreement for the purpose of giving the
acknowledgements set out in clauses 5 and 6.4;