

## **NOTES OF THE JOINT CONTRACTS TRIBUNAL COUNCIL MEETING**

**HELD ON**

**08<sup>th</sup> MARCH 2018**

1. The JCT Board has still not reached a decision over Build UK's request to be a representative organisation for the Main Contractors College and hence Build UK Main Contractor members were once again not in attendance. Neither has JCT formally approved the simultaneous resignation of NSCC from, and the election of Build UK Sub-Contractor Members to, the Sub-Contractor College. These protracted matters, together with a wider review of Contractor representation in the Contractors College, were due for discussion at the JCT Board Meeting on the afternoon of 08<sup>th</sup> March 2018. Build UK's position appears to be that if it is not accepted into both the Main Contractor and Sub-Contractor Colleges then it will withdraw from JCT altogether.
2. The JCT Board has approved the drafting of a suite of FM Contracts and the development of JCT Training Courses.
3. The Drafting Sub-Committee report was scheduled to be presented verbally by its chair, Victoria Peckett, but she had not arrived at the meeting. The recent criticism in the TCC of the JCT Payment Provisions wording is to be referred to the Drafting Sub-Committee for consideration.
4. The Construction Dispute Resolution Group advised that follow up questions have been sent to some ANB's in order to clarify responses received in the recent questionnaire. It is proposed that the JCT Dispute Board Rules be based on the CI Arb Rules. Only the FIDIC Dispute Board Rules currently include Sub-Contractor provisions. Drafting will therefore proceed on Main Contract Dispute Board Rules with further consideration required over Sub-Contractor provisions.
5. Owing to a lack of interest from the ABI, the Performance Bond Working Group has consulted with Marsh who advised that there is interest from the insurance market in supporting the proposed JCT Adjudication Bond. The Group is also working on the drafting of a JCT Parent Company Guarantee as a collateral guarantee.
6. JCT Council has been advised by the Construction Unit of the Department for Business, Energy and Industrial Strategy that the reports on its consultation on the effects of the 2011 changes to the Construction Act and Retentions are due to be published around 19<sup>th</sup> April 2018.
7. Council noted the content of Dame Judith Hackitt's interim report into the Grenfell Tower fire and especially the need for contracts to clearly define roles and responsibilities.
8. Council noted that the NBS 8<sup>th</sup> Annual National BIM Survey closes at the end of March.
9. Several Members have expressed an interest in acting as tutors for the proposed JCT Training Courses. Course programmes and content will now be considered.
10. A JCT supported Met Office weather service was launched softly at the end of February. The service can provide accurate site specific (as opposed to weather

station specific) data for planning and delay claims. A wider publicity campaign with significant press coverage will follow.

**D Colven**

**Specialists and Sub-Contractor College Member**