

CHANGES TO THE CONSTRUCTION ACT TO APPLY FROM 1ST OCTOBER 2011

The Government has now issued the necessary Order implementing the amendments to the **Construction Act** which may well render your company's, and/or your employer's, terms and conditions ineffective if used in contracts after **1st October 2011**.



Those companies who regularly execute contracts concerned with construction operations will be fully aware that such contracts must be compliant with the Housing Grants Construction and Regeneration Act 1996 (the "**Construction Act**"). In particular terms and conditions relating to **payment** and/or **adjudication** must meet the requirements set-out in the **Construction Act** otherwise they will be replaced by the relevant provisions of the **Scheme for Construction Contracts** (the "Scheme").

The amendments to the **Construction Act** will render most standard and bespoke terms and conditions relating to **payment** and/or **adjudication** ineffective. Whilst **adjudication** provisions should also be reviewed in light of recent decisions in the **High Court** such as that of Mr Justice Edwards-Stuart in **Yuanda (UK) Co Ltd v W W Gear Construction Ltd**.

A FREE REVIEW OF YOUR TERMS AND CONDITIONS

In the current economic climate all companies should look to gain a commercial advantage over their competitors. One area that can often be improved is a company's procedures and documentation. In particular, any standard terms and conditions under which your company does business should be frequently reviewed.

Haleys Construction Law Services can provide an initial **free, no obligation**, review of your Terms and Conditions – whether they are Conditions of Sale, Conditions of Sub-Contract, Conditions for the Supply of Agency Labour or Conditions for the Purchase of Materials.

A member of **Haleys'** team will spend up to **one hour** reviewing your Terms and Conditions, completely **free of charge**, and provide you with a brief review identifying any changes that should be made to update your Terms and Conditions in line with current legislation and contractual trends.

Please don't hesitate to contact us; call on the number below:

Legal Helpline: 0800 092 9272

Alternatively, you can e-mail us from the link below and we will respond to you within 24 hours of our receipt of your email.

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