



Technical

Delays Caused by Adverse Weather Conditions

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When is an Adverse Weather Claim NOT an Adverse Weather Claim?

NEC Forms of Contract -v- JCT Contracts

Do Not Lose Your Rights

1. **JCT and NEC forms of contract** are commonly used throughout the UK. Contractors and Sub-contractors used to working under *JCT standard forms of contract* are aware that they can *make a claim for lost time for adverse weather conditions* and protect themselves from liquidated and ascertained damages but cannot recover loss and/or expense. **Under the standard NEC forms of contract a claim can be made for both time and money.**
2. The requirements under NEC are far more prescriptive than under JCT and can be summarised as outlined below. The timescales under your own particular conditions of contract may vary and should be checked for amendments to the standard conditions.
3. **Step 1 : Have You Got A Claim?** The NEC standard form states that to establish a claim the average weather conditions must be worse than that expected to occur in a one in ten year frequency. The contract

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should state in the Contract Data Part One where the weather is to be measured.

4. **Step 2 : Notification** Within 8 weeks (7 weeks for the subcontractor) for NEC3 you must notify the contracting party that a potential compensation event (*variation*) has occurred. This timescale is a condition precedent to making a claim under NEC3 so that if you do not submit an appropriate Notice within the period your claim is unlikely to be valid.
5. **Step 3 : Prepare the Compensation Event Quotation** The claim must be submitted, as with all NEC claims, in the form of a compensation event which must contain, as well as the weather data, a revised programme to demonstrate changes to the planned Completion Date and/or Key Dates due to the effects of the event, and quotations for changes to the prices. This quotation should be submitted within 3 weeks (2 weeks for the Sub-contractor) of being instructed to do so.

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