

# SBCC Design and Build Sub-Contract 2011

(DBSub/A/Scot and DBSub/C/Scot)

## for use in Scotland

### Amendment 1

Issued March 2015 (Effective from 6 April 2015)

## CDM Regulations

| Clause number and heading                  | Action   |
|--|--|
| <b><u>DBSub/A/Scot</u></b>                 |  |
| Article 2                                  | <b>Delete</b> 'in compliance with regulations 11, 12 and 18 of the CDM Regulations and in accordance with such directions as the Contractor may give for the integration of the design for the Sub-Contractor's Designed Works with the design for the Main Contract Works as a whole' and <b>insert</b> 'in accordance with the CDM Regulations and such directions as the Contractor may give for the integration of the design for the Sub-Contractor's Designed Works with the design of the Main Contract Works'  |
| Part 1: Sub-Contract Particulars, item 5-4 | <b>Delete</b> the existing entry and footnote [18]   |
| Part 1: Sub-Contract Particulars, item 5-5 | <b>Renumber</b> as -4;<br><b>Delete</b> '(inclusive of the Sub-Contractor's CDM Planning Period)'  |
| Part 1: Sub-Contract Particulars, item 5-6 | <b>Renumber</b> as -5;<br>After 'commence work (see item', <b>delete</b> '5-5' and <b>insert</b> '5-4'   |
| Part 1: Sub-Contract Particulars, item 5-7 | <b>Renumber</b> as -6  |
| Part 2: Schedule of Information, item 1-3  | <b>Delete</b> 'CDM Co-ordinator' and <b>insert</b> 'Principal Designer';<br><b>Delete</b> footnote [41]  |
| Part 2: Schedule of Information, item 2    | <b>Delete</b> the existing text and footnote [45] and <b>insert</b> the following:<br>'A copy of those extracts from the Construction Phase Plan relevant to the Sub-Contract Works is annexed.'   |
| <b><u>DBSub/C/Scot</u></b>                 |  |
| Clause 1-1                                 | <b>Delete</b> the definition of 'CDM Co-ordinator';<br>'CDM Regulations': <b>delete</b> '2007' and <b>insert</b> '2015';<br>'Construction Phase Plan': <b>delete</b> 'where the project is notifiable under the CDM Regulations, those parts of the construction phase plan for the Main Contract' and <b>insert</b> 'those parts of the Construction Phase Plan for the Main Contract that are';<br>After the definition of 'Principal Contractor', <b>insert</b> the following new definition:<br><br>'Principal Designer:    the person named as such in the <b>Part 2: Schedule of Information</b> or any successor appointed by the Employer.';<br><br><b>Delete</b> the definition of 'Sub-Contractor's CDM Planning Period' |
| Clause 2-1-1                               | After 'Construction Phase Plan and', <b>delete</b> 'other'   |
| Clause 2-2-3                               | <b>Delete</b> '11, 12 and 18' and <b>insert</b> '8 to 10'  |
| Clause 2-6-1                               | <b>Delete</b> 'regulations 11, 12 and 18 of the CDM Regulations' and <b>insert</b> 'clause 2-2'  |

| Clause number and heading | Action  |
|---------------------------|---|
| Clause 2-14-1             | <b>Delete</b> 'regulations 11, 12 and 18 of the CDM Regulations' and <b>insert</b> 'clause 2-2-3'   |
| Clause 2-20-1             | <b>Delete</b> '3-20-4 in respect of' and <b>insert</b> '3-20-3 in respect of documents and information relating to'   |
| Clause 2-24               | <b>Delete</b> the existing text and <b>insert</b> the following:<br>'The Sub-Contractor, in addition to his health and safety file-related obligations under clause 3-20-3, shall, before practical completion of the Sub-Contract Works or such works in the relevant Section and without further charge to the Contractor, supply for retention and use by the Contractor and the Employer such Sub-Contractor's Design Documents and related information as may be specified in the Sub-Contract Documents or as the Contractor may reasonably require that show or describe the Sub-Contractor's Designed Works as built or relate to the maintenance and operation of them or their installations.'  |
| Clause 3-3-2-1            | <b>Delete</b> the existing text and <b>insert</b> the following:<br>'each party to the sub-subcontract shall in relation to the Main Contract Works and the site comply with applicable CDM Regulations;'   |
| Clause 3-5-1-3            | <b>Delete</b> 'regulations 11, 12 and 18 of the' and <b>insert</b> 'applicable'   |
| Clause 3-20               | <b>Delete</b> the existing text and <b>insert</b> the following:<br><br>'Each Party undertakes to the other that in relation to the Main Contract Works and the site he will duly comply with applicable CDM Regulations. In particular but without limitation:<br><br><ul style="list-style-type: none"> <li>.1 if the Employer notifies the Contractor of a new appointee as Principal Designer and/or as Principal Contractor, the Contractor shall immediately copy that notification to the Sub-Contractor;</li> <li>.2 the Contractor shall ensure that the Sub-Contractor is supplied forthwith with any updates or revisions of the Construction Phase Plan;</li> <li>.3 the Sub-Contractor shall at no cost to the Employer or the Contractor comply with all reasonable directions and requirements of the Principal Designer and the Principal Contractor relating to compliance by the Sub-Contractor with applicable CDM Regulations including the supply of all documents and information reasonably necessary for the purposes of the health and safety file; no extension of time shall be given in respect of such compliance.'</li> </ul> |

## Incorporation of the modifications

The modifications may readily be incorporated in one of two ways:

**either** by amending the Sub-Contract Agreement and Conditions in accordance with this Amendment and executing that agreement in its amended form, with each amendment initialled by or on behalf of each party

**or** by attaching this Amendment to the Sub-Contract Agreement; and, prior to execution, inserting the following further provision in the Articles with the next available number (i.e. normally as Article 8):

**"Article [ \_\_\_ ]: Amendment 1: CDM Regulations – incorporation**

This Agreement and the Sub-Contract Conditions shall have effect as modified by the amendments set out in the attached Amendment 1: CDM Regulations."

(that Article in similar fashion being initialled on execution.)