

KEEP YOUR DISTANCE



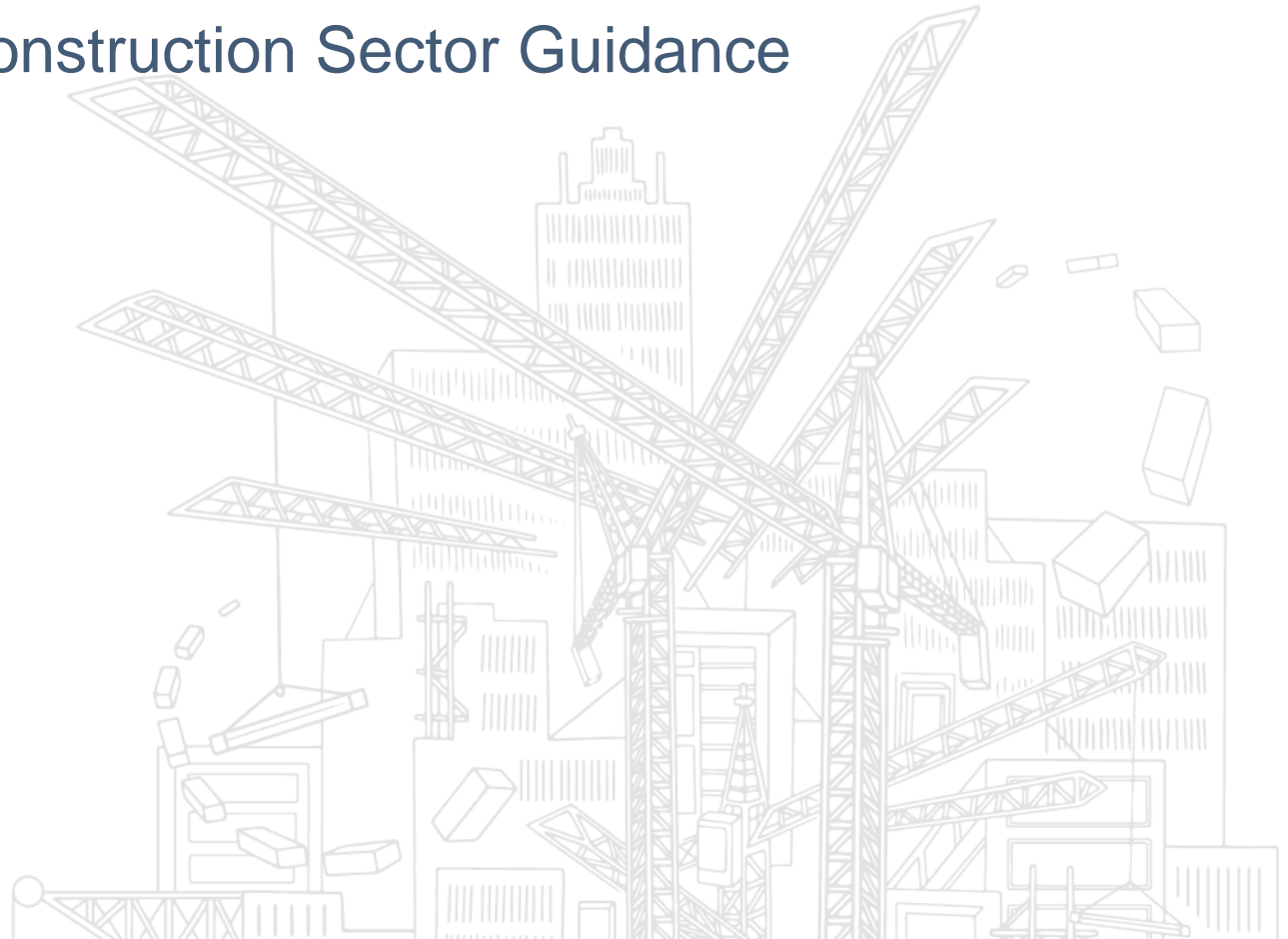
How Social Distancing Will Impact Scottish Construction Sites

INTRODUCTION

- Coronavirus Act 2020
- The Health Protection (Coronavirus) (Restrictions) Scotland Regulations 2020 (amended 21 April 2020)
- Coronavirus (COVID-19): Construction Sector Guidance – first issued 6 April 2020 and updated 1 May 2020

REGULATION AND GUIDANCE: WHAT IS IT, AND WHAT DO WE HAVE?

- Distinction between Regulation and Guidance
- Meaning and implications of Construction Sector Guidance



THE HEALTH PROTECTION (CORONAVIRUS) (RESTRICTIONS) (SCOTLAND) REGULATIONS

- Introduced 27th March 2020 and amended 21 April 2020
- General terms
- Legislation with penalties, and enforcement powers
- The quandary of Regulation 4 (1) and the distance requirement.

COMPLYING WITH HEALTH AND SAFETY LAW GOING FORWARD – WHAT CAN WE EXPECT ?

- Overarching nature of the Health and Safety at Work Act 1974 and related legislation
- Looking over the border: Working Safely through Coronavirus Guidance
- Risk Assessments: To publish or not to publish? Or what to publish?

HOW SOCIAL DISTANCING WILL AFFECT CONTRACTS

- SBCC DB 2016
- Changes
- Divergence from Statutory Requirements : Clause 2.15.2
- Definition of Changes : Clause 5.1
- Change of conditions for other works : Clause 5.6
- CDM Regulations : Clause 3.16
- Materials – clause 2.2.1



REGULATIONS, SOCIAL DISTANCING AND NEC 4

- Relevance of clause X2 - Change in Law
- Other relevant Compensation Events:
- Project Manager's Instructions (Clauses 60.1(1), 60.1(4), 14.3, 34.1)
- 'Force majeure' / prevention (Clause 19, 60.1(19))
- Collaboration

WHAT ARE WE SEEING IN NEGOTIATIONS

- Hard bargaining – does it work?
- Drafting

COLLABORATIVE APPROACH – MOVING FORWARD

- Rethinking how we communicate, negotiate and collaborate
- Moving forward

EVENT HORIZON – IMPACT OF OTHER ELEMENTS AND RETHINKING HOW WE COMMUNICATE, NEGOTIATE AND COLLABORATE

- Banks
- Insolvency – Plan B
- Brexit and other political and technical influences



QUESTIONS



CONTACT DETAILS



ANNE STRUCKMEIER

Partner

0131 222 9839

07918 767329

anne.struckmeier@addleshawgoddard.com



TONY MCGLENNAN

Legal Director

0141 574 2319

07720 641956

tony.mcglennan@addleshawgoddard.com



HELEN HUTCHESON

Legal Director

0141 574 2324

07501 228718

helen.hutcheson@addleshawgoddard.com



PETER CLYDE

Managing Associate

0131 222 9532

07928654588

peter.clyde@addleshawgoddard.com



LISA MCNEILL

Associate

0131 222 9545

07595 192562

lisa.mcneill@addleshawgoddard.com

www.aglaw.com

Aberdeen, Doha, Dubai, Edinburgh, Glasgow, Hamburg, Hong Kong,
Leeds, London, Manchester, Muscat, Singapore and Tokyo*

* a formal alliance with Hashidate Law Office

© 2020 Addleshaw Goddard LLP. All rights reserved. Extracts may be copied with prior permission and provided their source is acknowledged. This document is for general information only. It is not legal advice and should not be acted or relied on as being so, accordingly Addleshaw Goddard disclaims any responsibility. It does not create a solicitor-client relationship between Addleshaw Goddard and any other person. Legal advice should be taken before applying any information in this document to any facts and circumstances. Addleshaw Goddard is an international legal practice carried on by Addleshaw Goddard LLP (a limited liability partnership registered in England & Wales and authorised and regulated by the Solicitors Regulation Authority and the Law Society of Scotland) and its affiliated undertakings. Addleshaw Goddard operates in the Dubai International Financial Centre through Addleshaw Goddard (Middle East) LLP (registered with and regulated by the DFSA), in the Qatar Financial Centre through Addleshaw Goddard (GCC) LLP (licensed by the QFCA), in Oman through Addleshaw Goddard (Middle East) LLP in association with Nasser Al Habsi & Saif Al Mamari Law Firm (licensed by the Oman Ministry of Justice), in Hamburg through Addleshaw Goddard (Germany) LLP (a limited liability partnership registered in England & Wales) and in Hong Kong through Addleshaw Goddard (Hong Kong) LLP, a Hong Kong limited liability partnership pursuant to the Legal Practitioners Ordinance and regulated by the Law Society of Hong Kong. In Tokyo, legal services are offered through Addleshaw Goddard's formal alliance with Hashidate Law Office. A list of members/principals for each firm will be provided upon request. The term partner refers to any individual who is a member of any Addleshaw Goddard entity or association or an employee or consultant with equivalent standing and qualifications. If you prefer not to receive promotional material from us, please email us at unsubscribe@aglaw.com. For further information, including about how we process your personal data, please consult our website www.addleshawgoddard.com or www.aglaw.com.