



Round Two on the SCL Delay and Disruption Protocol

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Delays are the most cited source of construction claims and disputes and often play a contributing factor towards adversarial and fractured relationships between parties during and after a construction project. Due to different approaches used by engineers, quantity surveyors, project managers and lawyers, analysing delay situations can be complex in nature. The Society of Construction Law Delay and Disruption Protocol ('the Protocol') sought to resolve that.

The Protocol was published in October 2002 and provided a means by which parties could resolve matters pertaining to delay. Although the Protocol was not a statutory obligation for construction projects to adhere to, it endeavoured to establish common principles and approaches for the analysis of delay and disruption issues which affected construction projects. In February 2017, the Second Edition of the Protocol was published. Notable changes are highlighted in brief below.

Aside from encouraging contractors to maintain adequate records to demonstrate its existence, the First Edition provided no solid recommendation on issues pertaining to disruption. The Second Edition provides more guidance on this through the explanation of different methods available for disruption analysis. The subject of record keeping has been elaborated extensively in the new edition as compared to its prior edition. Most notably, a new core principle has been included on the submission and assessment of extension of time claims. This addition moves the Protocol away from the previous mentality of a 'wait and see' approach. The Second Edition also provides a more detailed overview on the various issues that should be taken into account when selecting a form of delay analysis and provides a specific spreadsheet to assist users in calculating head office overheads and profit.

Changes have been made to the Protocol to reflect industry opinions and critics believe that the Protocol will continue to be widely referenced as a guidance tool for analysing delay both in the UK and internationally. The Protocol is available at the link below.

<https://www.scl.org.uk/resources/delay-disruption-protocol>



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