

SCOTTISH EXECUTIVE DEVELOPMENT DEPARTMENT  
TRANSPORT AND PLANNING GROUP – TRUNK ROAD DIVISIONS  
MANUAL OF CONTRACT DOCUMENTS FOR HIGHWAY WORKS (MCHW)  
VOLUME 0: SECTION 1: MODEL CONTRACT DOCUMENT FOR HIGHWAY  
WORKS  
PART 3: MODEL CONTRACT DOCUMENT FOR HIGHWAY WORKS (For use in  
Scotland) - August 1994  
SEDD INTERIM AMENDMENT NO 11

## INTRODUCTION

On 1<sup>st</sup> May 1998, Part II of The Housing Grants, Construction and Regeneration Act 1996 came into effect. Within this are provisions enabling a separate Scheme for Construction Contracts to take account of Scottish law, practice and procedure and to apply to construction contracts in Scotland. The Scheme for Construction Contracts (Scotland) Regulations 1998 was, at the same time, approved by Parliament, along with an Order which will exclude PFI and certain other financial arrangements from the provisions of the Act. Insofar as all construction contracts now have to comply with the Act, revisals to the ICE 5<sup>th</sup> Edition Conditions of Contract require to be incorporated within the Model Contract Document.

## AMENDMENT

1. Delete from page 23 of the August 1994 version of the Model Contract Document the sections referring to Clause 60(2) and Clause 60(6). [Insert attached pages 23a, b, c, d & e.](#)
2. Delete from pages 26 and 27 of the August 1994 version of the Model Contract Document the substitute Clause 66 contained therein. [Insert attached pages 26a & b.](#) Additionally, the section heading preceding Clause 66 in the Conditions of Contract which currently reads “Settlement of Disputes” should be amended to read “Disputes Resolution Procedure”.
3. The attached “[Annex DRP](#)” should be included within the Model Contract Document after the Special Requirements (page 109) and before the Specification. It should be included in contracts as an annex to the Conditions of Contract and referenced as such in the contents page (Model Contract Document page 2).

In addition to the above amendments to the Model Contract Document, included with this Interim Amendment are revisals to the Conditions of Contract for [SEDD Design and Construct \(with 3 year Period of Maintenance\)](#) and [Lump Sum Fixed Price \(with Employer’s Design\)](#) contracts.

All tenders invited after the issue of this Interim Amendment are to include the above amendments and revisals.

## ENQUIRIES/

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These should be addressed to:-

Contracts Policy and Finance Branch  
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**JOHN HOWISON**  
Chief Road Engineer

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