



JCLI HOMEOWNER AMENDMENTS FOR USE IN SCOTLAND 2019

for

**JCLI CONSULTANCY AGREEMENT for a HOME OWNER/OCCUPIER
appointing a consultant to provide consultancy services in relation to
landscape work: 2019
(JCLI HCA)**

**JCLI LANDSCAPE CONTRACT for a HOME OWNER/OCCUPIER who has
appointed a consultant to oversee the work: 2019
(JCLI HLC/C)**

**JCLI LANDSCAPE CONTRACT for a HOME OWNER/OCCUPIER who has
not appointed a consultant to oversee the work: 2019
(JCLI HLC)**

GUIDANCE

- 1 This document includes Amendment documents for each of the 3 contracts above so that they can be used with the law of Scotland for projects where the construction work is undertaken in Scotland. The Scottish Amendments should also apply to a Consultancy Agreement for services concerning a site in Scotland, regardless of where the Customer or Consultant reside.
- 2 The relevant Amendment document should be printed and attached to the relevant Agreement/Contract prior to signature and the following written in the space before the location for signatures at the end of Part 1 of the Agreement/Contract:

This agreement is amended for Scottish law by the attached document titled "JCLI Amendments for use in Scotland for the JCLI Consultancy Agreement for a Home Owner/Occupier appointing a consultant to provide consultancy services in relation to landscape work"

or

This contract is amended for Scottish law by the attached document titled "JCLI Amendments for use in Scotland for the JCLI Landscape Contract for a Home Owner/Occupier who has appointed a consultant to oversee the work"

or

This contract is amended for Scottish law by the attached document titled “JCLI Amendments for use in Scotland for the JCLI Landscape Contract for a Home Owner/Occupier who has not appointed a consultant to oversee the work”

depending on which Agreement/Contract is being used. When the Agreement/Contract is signed the Amendment attached to it should be signed by those signing the Agreement/Contract.

- 3 Party wall consents/notice: There is no Party Wall Act in Scotland so there is no requirement for notices or consents but an agreed condition survey (and a surveyor) may be needed depending on the circumstances.
- 4 Some aspects of the building regulations process are different in Scotland. The most significant one for the purposes of these documents is that work can't start on site until permission is received (a building warrant).

About us

JCLI contracts are well respected standard forms of contract for the landscape industry. They are produced by organisations within the industry but agreed by the JCLI Contracts Forum which represents all parts of the landscape industry. The members of the Forum are listed below.



Members

Association of Professional Landscapers
British Association of Landscape Industries
Horticultural Trades Association
Institute of Chartered Foresters
Landscape Institute
Society of Garden Designers

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AMENDMENTS

Part 1 A: The Consultant's Services

- 1 **Stage 2: Fifth item:** Delete "regulations approval" and substitute "warrant"
- 2 **Stage 3: Second item:** Delete "regulations approval" and substitute "warrant"
- 3 **Stage 3: Second item:** Delete the last word "notices" and substitute "consents"
- 4 **Stage 4: Third item:** Delete "regulations approval" and substitute "warrant"
- 5 **Stage 4: Fifth item:** Delete ", and give the occupiers of neighbouring properties any party wall notices that are needed"

Part 1 B: Consultant's Fees

- 6 **B3: First bullet point:** Delete "regulations approval" and substitute "warrant"
- 7 **B3: Fourth bullet point:** Delete

Part 1 D: Disputes

- 8 Delete clause D2 wording and substitute:

" The customer or the consultant can also have disputes decided within 21 days by an adjudicator appointed under the adjudication scheme for the SBCC Consultancy agreement for a home owner/occupier run by The Royal Incorporation of Architects in Scotland (RIAS), the Scottish Building Federation (SBF) or the Royal Institution of Chartered Surveyors in Scotland (RICS). This is as well as the right to go to court."

- 9 After clause 4 delete the list of organisations (RICS, RIBA and NSCC including their details) and substitute:

"

RIAS

Royal Incorporation of
Architects in Scotland

15 Rutland Square
Edinburgh
EH1 2BE

Phone: 0131 229 7205/7545
E-mail: info@rias.org.uk

SBF

Scottish Building Federation

Crichton House
4 Crichton's Close
Holyrood
Edinburgh EH8 8DT

Phone: 0131 556 8866
E-mail:
info@scottish-building.co.uk

RICS

Royal Institution of Chartered
Surveyors in Scotland

Dispute Resolution Service
125 Princes Street
Edinburgh EH2 4AD

Phone: 0131 240 0832
E-mail: drsscotland@rics.org"

Part 2 Condition 5: Consultant's continuing responsibility

10 Delete "6 years" and substitute "5 years"

Part 2 Condition 10: Law of the Agreement

11 Delete: "The laws of England and Wales apply to this agreement."

and substitute: "The law of Scotland applies to this agreement."

Customer's signature _____

Consultant's signature _____

(Customer and Consultant to sign this attachment when signing the Agreement)

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JCLI LANDSCAPE CONTRACT for a HOME OWNER/OCCUPIER who has appointed a consultant to oversee the work: 2019 (JCLI HLC/C)

AMENDMENTS

Part 1 B

1 Delete title, clauses B1 and B2 and substitute:

“B Planning permission, trees and building warrant

- 1 The consultant has applied, or will apply, for planning permission, tree work permission and building warrant that may be needed.
- 2 The contractor will not start work at the premises before any planning permission, tree work permission and building warrant that are needed have been received from the consultant. “

Part 1 L: Disputes

2 Delete clause L2 wording and substitute:

“ The customer or the consultant can also have disputes decided within 21 days by an adjudicator appointed under the adjudication scheme for the SBCC Building contract for a home owner/occupier who has appointed a consultant to oversee the work run by The Royal Incorporation of Architects in Scotland (RIAS), the Scottish Building Federation (SBF) or Royal Institution of Chartered Surveyors in Scotland (RICS). This is as well as the right to go to court.”

3 Delete clause L3

4 After clause 4 delete the list of organisations (RICS, RIBA and NSCC including their details) and substitute:

“

RIAS

Royal Incorporation of
Architects in Scotland

15 Rutland Square
Edinburgh
EH1 2BE

Phone: 0131 229 7205/7545
E-mail: info@rias.org.uk

SBF

Scottish Building Federation

Crichton House
4 Crichton’s Close
Holyrood
Edinburgh EH8 8DT

Phone: 0131 556 8866
E-mail:
info@scottish-building.co.uk

RICS

Royal Institution of Chartered
Surveyors in Scotland

Dispute Resolution Service
125 Princes Street
Edinburgh EH2 4AD

Phone: 0131 240 0832
E-mail: drsscotland@rics.org”

Part 2 Condition 9

5 Delete “6 years” and substitute “5 years”

Part 2 Condition 14

6 Delete: “The laws of England and Wales apply to this agreement.”
and substitute: “The law of Scotland applies to this agreement.”

Customer’s signature _____

Contractor’s signature _____

(Customer and Contractor to sign this attachment when signing the Contract)

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JCLI LANDSCAPE CONTRACT for a HOME OWNER/OCCUPIER who has not appointed a consultant to oversee the work: 2019 (JCLI HLC)

AMENDMENTS

Part 1 B

- 1 Delete title, clauses B1 and B2 and substitute:

“B Planning permission, trees and building warrant

- 1 The contractor will apply for any planning permission, tree work permission and building warrant that may be needed unless the customer indicates otherwise by ticking a box or boxes below.

The customer will apply for the following:

- Planning permission Tree work permission
 Building warrant

- 2 The contractor will not start work at the premises before any planning permission, tree work permission and building warrant that are needed have been received. “

Part 1 D: Price

- 2 Clause D3: Delete “, building regulations approval and party wall consents” and substitute “and building warrant”

Part 1 L: Disputes

- 3 Delete clause L2 wording and substitute:

“ The customer or the consultant can also have disputes decided within 21 days by an adjudicator appointed under the adjudication scheme for the SBCC Building contract for a home owner/occupier who has not appointed a consultant to oversee the work run by The Royal Incorporation of Architects in Scotland (RIAS), the Scottish Building Federation (SBF) or the Royal Institution of Chartered Surveyors in Scotland (RICS). This is as well as the right to go to court.”

- 4 Delete clause L3
- 5 After clause 4 delete the list of organisations (RICS, RIBA and NSCC including their details) and substitute:

RIAS	SBF	RICS
Royal Incorporation of Architects in Scotland	Scottish Building Federation	Royal Institution of Chartered Surveyors in Scotland
15 Rutland Square Edinburgh EH1 2BE	Crichton House 4 Crichton's Close Holyrood Edinburgh EH8 8DT	Dispute Resolution Service 125 Princes Street Edinburgh EH2 4AD
Phone: 0131 229 7205/7545 E-mail: info@rias.org.uk	Phone: 0131 556 8866 E-mail: info@scottish-building.co.uk	Phone: 0131 240 0832 E-mail: drsscotland@rics.org

Part 2 Condition 7

- 6 Delete "6 years" and substitute "5 years"

Part 2 Condition 12

- 7 Delete: "The laws of England and Wales apply to this agreement."
and substitute: "The law of Scotland applies to this agreement."

Customer's signature _____

Contractor's signature _____
(Customer and Contractor to sign this attachment when signing the Contract)

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