



JCLI Landscape Maintenance Works Contract (JCLI LMWC)

Differences between the 2017 and 2012 Editions

April 2017

Clause No LMWC 2017	Clause No LMWC 2012	Differences in LMWC 2017
1	Throughout	<p>Minor corrections and updates, eg to punctuation and capitalisation, minor wording modifications for clarity affecting many clauses (sometimes fairly extensive but not changing meaning, eg clause 4.3)</p> <p>“Articles of Agreement” revised to “Agreement”</p> <p>Cross-references revised as necessary due to revisions (noted below) to Articles numbers, Clause numbers, footnote numbers, Guidance Note numbers etc</p> <p>Consequential renumbering of Clauses, Articles, footnotes, Guidance Notes etc due to additional and/or deleted ones</p> <p>References to documents etc updated, particularly dates, as appropriate</p>
2	Inside Front Cover	<p>under “Appropriate”: 2nd bullet “maintenance of existing landscape” added</p> <p>under “Can be used”: 2nd bullet added</p>
3	Contents	<p>Article/Clause/Schedule numbers and titles revised as necessary, particularly Article 4, Clauses 3.1, 3.9, 5.1, 5.2, 6.6, 6.10, Schedules 2-4.</p> <p>Clause 3.10 deleted; Clause 1.7 added</p> <p>Page numbers revised as necessary</p>
4	Footnote 1	revised
5	Recital 2 + Footnote 5	<p>“this Agreement” added to Contract Documents</p> <p>Footnote 5 added</p>

6	Recital 6	Recital 6	reworded due to addition of non-optional Supplemental Provisions 7 and 8
7	Article 3 + Footnote 8	Article 3 + Footnote 7	Last paragraph and footnote reworded
8	Articles 4 and 5 + Footnote 9	Articles 4 and 5 + Footnote 8	Rewording re CDM 2015, particularly CDM-C to PD Defaults of CA and Contractor removed Footnote rewritten
9	Contract Particulars Fourth Recital	Contract Particulars Fourth Recital	Three options reworded for CDM 2015 Two options for whether project is notifiable to HSE added
10	CP Sixth Recital + Footnote 14	CP Sixth Recital	Rewording to refer to numbered “paragraph” rather than numbered “Supplemental Provision”; italics instructions revised Footnote 14 added
11		CP 1.1 + Footnote 14	deleted
12	CP 4.10	CP 4.10 + Schedule 2 (para 12)	reordered wording
13	CP 5.3	CP 5.3.2	reordered with additional wording
14	Clause 1.1	Clause 1.1	First paragraph expanded (to enable exclusion of definitions in the Agreement from clause 1.1) Definitions deleted: CDM-Cordinator, CDM Planning Period, Commencement Date, Duration, End Date, Fluctuations Option, Insolvent, Price Index, Principal Contractor; as well as deletion of Excepted Risks, Specified Perils (correction since neither relevant to maintenance contract) Definitions added: Contractor’s Persons, Employer’s Persons (both enable simplification of wording in subsequent clauses), Local or Public Authority, PC Regulations, Statutory Undertaker Construction Phase Plan definition revised
15	1.3.1	1.3.1	“notes and footnotes” added to “headings”
16	1.7		Added (Consents and approvals). Previous 1.7 renumbered 1.8 (Applicable law).

17	2.1.2	2.1.2	"opinion" revised to "approval" and minor rewording
18	3.1	3.1	Assignment added as 3.1.1 Previous 3.1 becomes 3.1.2
19		Footnote 23	Deleted
20	3.4	3.4	two day limit for confirming oral instructions removed, but don't have effect until CA confirms in writing added (and wording simplified)
21	3.6.1	3.6.1	"a 'variation'" added at end, to define 'variation'
22	3.9 + Footnote 24	3.9 + Footnote 24	rewritten for CDM 2015
23		3.10	deleted
24	4.2.1	4.2.1	fluctuations added in 4.2.1.1 4.2.1.2.4 added "including the amount of each adjustment" added in final sentence
25	4.4	4.4	4.4.2.3.4 added "including the amount of each adjustment" added to the end of 4.4.2 rewording for clarity throughout, eg in 4.4.4 and 4.4.5, 4.4.6
26	4.5	4.5	clause divided into 4.5.1 and 4.5.2
27	5.3.2	5.3.2	"for any one ... event" added
28	5.4	5.4	time limit added (7 days) to provide evidence of insurance
29	6.1	6.1	First phrase of clause extended Sub-clauses substantially reduced by revising 6.1.1 (to use definition of insolvency in HGCRA) With minor modifications: previous 6.1.1.1 becomes 6.1.2; 6.1.4.1 becomes 6.1.3; 6.1.4.2 becomes 6.1.4 All other previous parts of 6.1 deleted
30	6.6	6.6	PC Regs added in title; last 2 phrases added to clause

31	6.7.1 6.7.3 6.7.3.2 6.7.3.3	6.7.1 6.7.3 6.7.3.2 6.7.3.3	“for the annual account period current at termination” added (4x). 6.7.3.3: setting out corrected (indented)
32	6.8.2.1	6.8.2.1	reference to clause 2.4 deleted
33	6.10	6.10	PC Regs added to title 6.10.1.2: reference to clause 2.4 deleted 6.10.1.3: revised to refer to loss or damage to site of Works or associated structures rather than loss or damage to Works (the latter not being relevant for maintenance works) 6.10.1.5: “Local or Public Authority” added; and “... not occasioned by a default of the Contractor ...” added 6.10.3 added
34	6.11	6.11	6.11.2: “for the annual account period current at termination” added. 6.11.3.2: revised to refer to loss or damage to site of Works or associated structures rather than loss or damage to Works (the latter not being relevant for maintenance works) 6.11.4: “for work executed during the annual account period current at termination” added
35	Schedules 2 + 3 + 4	Schedules 2 + 3 + 4	Titles modified including clause references
36	Schedule 5	Schedule 5	First paragraph expanded to include additional Supplemental Provisions 7 and 8 2.2.1: HSC deleted Supplemental Provisions 7 and 8 added
37	Guidance Notes Introduction	Guidance Notes Introduction	Updated
38	GN 3	GN 3	Last sentence added
39	GN 14	GN 14	Expanded to provide more detail and provide clarification
40	GN 17	GN 17	Second paragraph added

- 41 GN 21 + 22 GN 21 + 22 Rewritten due to CDM 2015
- 42 GN 23 Added and subsequent items renumbered

Care has been taken in preparing this document but there is no guarantee that all of the significant differences have been identified above.

This document is issued by the **JCLI Contracts Forum** comprising:

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



Published for the JCLI Contracts Forum by the Landscape Institute
Charles Darwin House 2 107 Gray's Inn Road London WC1X 8TZ

Available to download free from the Landscape Institute web-site
www.landscapeinstitute.org

© Landscape Institute April 2017