



Differences between the JCLI Landscape Works Contract (JCLI LWC) 2017 and the JCT Minor Works Building Contract (JCT MW) 2016

April 2017

Clause No LWC 2017	Clause No JCT MW	Differences in LWC
1	Throughout	<p>“Architect” revised to “Landscape Architect</p> <p>Reference to JCLI Practice Notes, Model Certificates documents and Differences documents added in footnotes and guidance where appropriate</p> <p>References to JCLI LWCD instead of JCT MWD, and where appropriate to JCLI rather than JCT</p> <p>Cross references to clause numbers modified as necessary resulting from other changes</p>
2	Inside front cover	<p>Heading revised.</p> <p>Additional bullet point under “Can be used”</p> <p>First bullet point under “Not suitable” deleted</p> <p>Section of page below bullet points: almost totally revised</p>
3	Contents	<p>Contents</p> <p>2.10 revised and renumbered 2.10A ; 2.10B added, 2.12 and 2.13 added</p> <p>4.3 and 4.4 titles revised; 4.9 added and JCT MW 4.9 renumbered 4.10.</p> <p>5.4C added and JCT MW 5.4C renumbered 5.4D</p> <p>Page numbers revised as necessary</p>
4	Eighth Recital	<p>Added</p>
5	Footnote 7	<p>Footnote 7</p> <p>Reference to Architect and Architects Act in JCT MW revised to Chartered Landscape Architect and Chartered Member of the Landscape Institute</p>

6	Articles 4 and 5	Articles 4 and 5	Phrase added at beginning of both Articles 4 and 5 “ the Architect/Contract Administrator (or)” deleted in Article 4 “ the Contractor (or)” deleted in Article 5
7	Footnote 8	Footnote 8	First paragraph revised to reflect removal of default PD being LA/CA and default PC being Contractor Second paragraph revised (minor) and a paragraph added to include circumstances changing and the possibility that a soft landscape project may not involve ‘construction work’ Reference to JCLI PN8 added
8	Contract Particulars Fifth Recital	Contract Particulars Fifth Recital	3 options for applicability of CDM added
9	Footnote 12	Footnote 12	First sentence added
10	CP 2.10A or 2.10B		First item for these clauses added
11	CP 2.10A or 2.10B	CP 2.10	“A or 2.10B” added in clause column and “3 months” revised to “12 months”
12	CP 2.13		added
13		CP 4.3 first item + Footnote 17	deleted
14	CP 4.3.1	CP 4.3 second item	Clause number changed; middle column first phrase deleted
15	CP 4.4.1	CP 4.3 third item	Clause number changed; middle column first phrase deleted and wording revised to “value of work etc.”
16	CP 4.3, 4.4 and 4.8	CP 4.3 and 4.8	both items, 4.4 added
17	Footnote 16	Footnote 16	Clause reference changed
18	CP 4.8.1	CP 4.8.1	Italics wording in brackets revised
19	CP 5.4A, 5.4B, 5.4C and 5.4D	CP 5.4A, 5.4B and 5.4C	JCLI LWC 2012 5.4C included in JCLI LWC 2017 JCT MW 2016 5.4C renumbered 5.4D in JCLI LWC 2017

20	Footnote 17	Footnote 18	"whether clause 5.4C with clause 5.4A is appropriate" added and 5.4C revised to 5.4D
21	CP 5.4D	CP 5.4C	clause number revised
22	Attestation notes on execution	Attestation notes on execution	Page reference in second paragraph revised; location of "vacant space" at end revised as appropriate
23	Clause 1.1	Clause 1.1	Interim Valuation Date: deleted Definitions added: Relevant Part; Valuation.
24	2.1.1	2.1.1	Wording in brackets added
25	2.8.2	2.8.2	Additional clauses added in brackets
26	2.8.3	2.8.3	Wording in brackets added
27	2.10A	2.10	Clause 2.10 in JCT MW revised to 2.10A with revised title and second paragraph added
28	2.10B		Additional clause
29	2.12 + 2.13		Additional clauses
30	3.3.2	3.3.2	First sentence in JCT MW deleted 3.3.2.3: reference to clause 4.9 added
31	3.9.1	3.9.1	phrase added at beginning of first sentence
32	3.9.4	3.9.4	phrase added in first line
33	Footnote 28	Footnote 29	phrase in brackets added and " under regulations 7(1) and 8(7)" added
34	Section 4 Payment	Section 4 Payment	JCT MW 2016 revises the payment clauses extensively but JCLI LWC 2017 retains the structure and procedures as in JCLI LWC 2012. Hence there are substantial differences between the clauses and the payment procedures in JCLI LWC 2017 and JCT MW 2016 For example: JCT MW 2016 introduces Valuation Dates and Contractor's applications for payment; interim certificate clauses pre and post practical completion are combined in one clause; failure to pay clauses are combined; pay less notice clauses are combined ... See also the track-changes document JCLI Differences JCLI LWC 2017 v 2012

The differences below are not comprehensive, especially concerning minor revisions

35	4.3 and 4.4	4.3 and 4.4	JCT MW 2011 clauses 4.3 and 4.4 restructured in JCT MW 2016; but JCLI LWC 2017 essentially retains clauses 4.3 and 4.4 the same as in JCLI LWC 2012
36	4.5.1	4.5.1	first reference to “paying Party” revised to “Landscape Architect/ Contract Administrator”; subsequent references to “paying Party” revised to “Employer”; references to “relevant certificate” revised to “interim certificate”; 4.8 revised to 4.4.
37	4.5.2	4.5.2	completely different
38	4.5.3	4.5.3	referenced clause number different
39	4.5.4	4.5.4	4.5.4.2 deleted and 4.5.4.1 incorporated in 4.5.4 “Party” revised to “the Landscape Architect/ Contract Administrator” where relevant for issue of pay less notices, otherwise revised to Employer or Contractor as appropriate. end of last sentence revised
40		4.5.5	Deleted
41	4.5.5	4.5.6	Renumbered
42	4.6.1	4.6.1	“Party” defined as “Employer” or “Contractor” as appropriate and clause numbers stated rather than “Conditions”
43	4.7.3	4.7.3	Wording at end revised
44	4.8.1	4.8.1 + 4.8.2	JCT MW 2016 clauses 4.8.1.and 4.8.2 combined as 4.8.1 in JCLI LWC 2017 subclauses .1 and .2 modified to correspond with calculations in JCLI LWC 2017 clause 4.3 ””the Landscape Architect/Contract Administrator considers to be” added in penultimate sentence
45	4.8.2	4.8.3	renumbered and clause reference changed in text
46	4.8.3 – 4.8.5		added but essentially the same as in JCLI LWC 2012

47	4.9		added, similar to clause 4.9 in JCLI LWC 2012
48	4.10	4.9	renumbered; reference to 4.4 added
49	5.4C		added, essentially the same as 5.4C in JCT MW 2011 and in JCLI LWC 2012
50	5.4D	5.4C	renumbered
51	6.7.2	6.7.2	“Employer” revised to “Landscape Architect/ Contract Administrator” in 6.7.2.1 and 6.7.2.2
52	Footnote 34	Footnote 35	last sentence deleted
53	Guidance Notes General		References to JCLI Practice Notes added or to replace JCT references, where appropriate. References to JCT revised to JCLI or JCLI added where appropriate. References to JCT MW revised to JCLI LWC where appropriate References to building revised to landscape as appropriate
54	GN Intro		Added
55	GN 4	GN 4	Last phrase of both of the first 2 sentences in JCT MW deleted
56	GN 8	GN 8	Last sentence added
57	GN 10	GN 10	“and doing Valuations for pay less notices” added to first item in list
58	GN 14	GN 14	First paragraph added; JCT first paragraph deleted JCT second and third paragraphs combined to JCLI second paragraph and revised to reflect differences between JCLI and JCT payment provisions Third paragraph same as JCT fourth paragraph JCT paragraphs 5, 6 and 7 deleted Fourth paragraph added Fifth paragraph same as JCT eighth paragraph Penultimate paragraph in LWC (last para in JCT) revised due to LA/CA issuing payless notices rather than Employer and “withholding” revised to “deduction” Last paragraph added

59	GN 15	GN 15	revisions due to LA/CA issuing payless notices rather than Employer
60	GN 21	GN 21	Last sentence simplified
61	GN 22	GN 22	Second sentence deleted Second paragraph added.
62	GN 23	GN 23	Phrase in brackets in second sentence added instead of similar JCT wording; minor modifications including "CDM" added to title, and reference to JCLI PN8 at end
63	GN 24	GN 24	Everything after the first sentence added; minor modifications to first sentence; "CDM" added to title
64	GN 26	GN 26	Everything after the first sentence added
65	GN 27	GN 27	"3" revised to "12"; and second half added starting "If clause 2.10A ..."
66	GN 28	GN 28	First paragraph revised to reflect JCLI retention of previous clause 5.4C and inclusion of the JCT new clause 5.4C as 5.4D Fourth paragraph: minor modifications to first sentence including last phrase deleted; second and third sentences added Fifth and sixth paragraphs added instead of JCT fifth paragraph
67	GN 29	GN 29	Fourth sentence revised due to LA/CA issuing payless notices rather than Employer; last sentence added
68	GN 30	GN 30	Example revised from re-decorating premises to re-pointing boundary walls
69	GN 32		Added

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

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