NEC4 YS(NI)1 Clauses

Optional contract clauses and guidance for use in Northern Ireland on contracts which are subject to the Construction Contracts (Northern Ireland) Order 1997.

Clauses and guidance are also provided for other NEC4 contracts which may be subject to the Construction Contracts Act 2013. These are available for download from neccontract.com.

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NEC4 YS(NI)1 CLAUSES

Guidance

Option W2 was provided in appropriate NEC contracts to provide for adjudication and Y(UK)2 for payment to incorporate the requirements of the Housing Grants, Construction and Regeneration Act 1996. This applies to construction contracts (defined in the Act) in England, Scotland and Wales. Northern Ireland introduced its own provisions under the Construction Contracts (Northern Ireland) Order 1997.

The Northern Ireland Order has one difference which affects clause W2, relating to the effect of Sundays and public holidays on timescales. This Y(NI)1 clause amends clause W2 (where applicable) to give effect to this change, and otherwise changes references to the Act to refer to the Northern Ireland Order.

For construction contracts in Northern Ireland which are subject to the Order, in Contract Data part 1 "W2" should be included as the dispute resolution Option (where applicable), and "Y(UK)2" and "Y(NI)1" should be included as secondary Options.

An optional clause was provided to incorporate the requirements of the Housing Grants, Construction and Regeneration Act 1996. This applies to construction contracts (defined in the Act) in England, Scotland and Wales. Northern Ireland introduced its own provisions under the Construction Contracts (Northern Ireland) Order 1997.

This YS(NI)1 clause amends the optional clause by changing reference to the Act to refer to the Northern Ireland Order.

For construction contracts in Northern Ireland which are subject to the Order, the entry "The United Kingdom Housing Grants, Construction and Regeneration Act (1996) does/does not apply?" should be completed as "does apply" and the clause should be incorporated into the contract by listing it in Contract Data as an additional condition of contract as "YS(NI)1 The Construction Contracts (Northern Ireland) Order 1997".

YS(NI)1 The Construction Contracts (Northern Ireland) Order 1997

Contract Data	Y1.1	Delete the reference to "The United Kingdom Housing Grants, Construction and Regeneration Act (1996)" and replace it with "Construction Contracts (Northern Ireland) Order 1997".
Application	Y1.2	In the preamble to additional clause applicable if The Housing Grants, Construction and Regeneration Act 1996 applies, delete the reference to "Housing Grants, Construction and Regeneration Act 1996 as amended by the Local Democracy, Economic development and Construction Act 2009" and replace it with "Construction Contracts (Northern Ireland) Order 1997 as amended by the Construction Contracts (Amendment) Act (Northern Ireland) 2011".