

## Legal Issues 2018:

### What should Contractors be aware of?

#### New FIDIC and NEC Forms



The **FIDIC Suite of Contracts** (Red Book, Yellow Book and Silver Book) has now been updated with a new suite of contracts published in December 2017. Contractors will increasingly be seeing projects tendered using the NEC4 suite contracts published in 2017. The **NEC4 Alliance** contract is due to be published in 2018, with an emphasis on all parties working together in achieving client objectives and sharing in the risks and benefits of doing so.

#### Building Regulations and Fire Safety



The final report of the Government-commissioned **Building Regulations and Fire Safety Review** will be issued in spring 2018. Its purpose is to make recommendations that will ensure there is a sufficiently robust regulatory system and provide assurance to residents. It will examine building and fire safety regulations and related compliance and enforcement, with a focus on multi-occupancy high rise residential buildings, and changes to the Building Regulations may follow on thereafter.

#### Consultation on the Construction Act



A Government consultation looking at **the implementation of the Housing Grants, Construction and Regeneration Act 1996** and in particular the 2011 changes, including misuse of adjudication, concluded in January 2018. This could give rise to further amendments to the Act, depending on the consultation outcome.

#### Consultation on Retention



The Government was also consulting until January 2018 on **the use of retentions** in the construction industry and the results of Pye Tait Consultancy's research which highlighted issues with market practice in relation to retentions. The consultation looked at retentions paid late or not paid at all and the reasons for this and may herald further legislation in this area.

#### BREEAM / CEEQUAL



Following a two year programme of development, in late summer 2018 a **new standard** will bring together both BREEAM Infrastructure and CEEQUAL certification schemes into a single best practice sustainability standard.

#### Data Protection



There are a number of changes that organisations will need to consider in relation to how they process data of employees and customers when the **General Data Protection Regulation (GDPR)** comes into effect in May 2018. The new rules are more stringent than the current Data Protection Act regime and the fines for being in breach are significantly increased.

#### Taylor Review - Modern Working Practices



In 2017, the Taylor review recommended changes to be made to **employment practices** including the status of workers by renaming them "dependent contractors" and recommending tax changes. On 7 February, the government published its response and announced that it would launch related consultations to include a consultation on employment status.

#### Gender Pay Gap Reporting



Employers with 250 or more employees must publish their **gender pay gap** figure on the government portal for the first time by 4th April 2018. The figures include their mean and median gender pay gap data and the proportion of each gender receiving a bonus over a 12 month period.

#### Brexit



As the shape of any deal between the UK and the EU becomes clearer over the course of 2018 so will the extent of the resultant legislative and regulatory changes, which will allow contractors to take steps to prepare against any associated risks and to reflect this when negotiating contractual provisions.

#### Manslaughter Sentencing Guidelines



Following on the heels of 2016's sentencing guidelines for health and safety offences, draft sentencing guidelines have proposed jail terms of up to 18 years for **gross negligence manslaughter**, with employer's health and safety failings highlighted as an example of where the new guidelines should apply.

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