

28 October 1985

**Lands and Works Branch Technical Circular No. 27/85**

**Note to Engineers and Architects on the assessment of contract completion times  
and grant of extensions of time in relation to inclement weather  
in the 1985 Conditions of Contract.**

The new 1985 Conditions of Contract, both "Engineering" and "Building" versions, provide for the Contractor being entitled to an extension of time if

"..... in the opinion of the Engineer (Architect) the case of the delay is :-

(1) inclement weather conditions adversely affecting the progress of the Works ...."

2. In this context "inclement weather conditions" should be taken to mean "any weather conditions which are detrimental to the progress of the Works in critical areas of the programme".

3. When, during the course of the Works, weather conditions occur which fall within this definition it is the responsibility of the Engineer (Architect) to fairly determine whether such conditions did actually affect progress and to assess the degree, in terms of time, by which the Works have been delayed.

4. In making this decision the Engineer (Architect) must of course use his professional judgement, but matters which it may be though necessary to take into consideration include :-

- (a) the Contractor's notice (required by the Contract) of the cause and probable extent of the delay;
- (b) the timing, duration and severity of the "inclement weather conditions";
- (c) deviations in volume of work output;
- (d) deviations in resources employed on site;

- (e) details of items of work physically delayed and their importance in the programme as a whole;
- (f) the state of readiness of the Contractor to work had weather conditions been favourable;
- (g) adequacy of measures taken by the Contractor to minimise the effects of inclement weather;
- (h) any other relevant factors.

5. It follows that in assessing the original contract period before proceeding to tender, no allowance need be made for the effect of weather conditions.

**( G. Barnes )**  
**Secretary for Lands and Works**