

A new JCT suite in 2024

17 January 2024

In our [horizon scanning article for 2023](#), we signed off with rumours of a new JCT suite.

The JCT made their own announcement in July indicating we can expect the updated editions in 2024 (and we have heard that they are targeting an April release).

When the JCT made their announcement in July, they gave a few brief details about what we could expect to see in the new editions. Obviously of major interest will be how they are intending to tackle the provisions of the Building Safety Act 2022 and the raft of secondary legislation which has come out of that.

Even though the JCT have been delaying releasing their new editions in order to address the latest secondary legislation, our prediction is that we will not see a huge amount of specific drafting on this (which means specialist drafting may need to be considered on a project by project basis and drafted into schedules of amendment)

We expect the changes are likely to be limited to an express reference to comply with the Act and related legislation, and possibly an entry in the articles to confirm whether or not the contractor will be the “principal designer” and/or “principal contractor” for the purposes of the new duty holder regime under the amended Building Regulations 2010.

In terms of other changes, the JCT themselves released a list of the areas they are intending to address such as new extension of time events, changes to the liquidated damages provisions following *Triple Point Technology Inc v PTT Public Company Ltd* [2021] (which highlighted the need to carefully draft liquidated damages provisions to ensure they apply in circumstances where the works are never completed) and what the JCT termed “future proofing” of the contracts.

They are also reported to be releasing a new form of target cost contract, presumably to compete with the variety of pricing options that the NEC suite offers.

What will be interesting to see (aside from the detail of the changes!) is whether the JCT are going to quietly start retiring any of the lesser used forms by not releasing updated editions.

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