

EXPERT COMMENT: **CHRISTMAS SHUTDOWN REMINDERS**

As Christmas approaches, the industry is set to shut down until early to mid January. Here are a few things to keep in mind before the last one out switches off the lights and heads for a dram or two:

Site Safety

Secure your site and your works. Check to ensure members of the public, especially children and youths, cannot access the site, scaffold, excavations, or machinery. Loose material should be placed out of harm's way and be secured against the weather.

Site checks should be made during the holiday period; photograph and record the state of the site when left and have preventative & emergency measures in place for things that may occur during the holiday.

Employees

Make it clear to staff what their holidays comprise, when they can leave and when to return. Have policies in place as to what happens in very bad weather.

Make it clear that drink driving and appearing on site under the influence will not be tolerated. The morning after the night before's Christmas party is not only a concern for site managers, but it is also targeted by the local Police. Have policies in place to address such matters and make sure they are visible to the workforce.



Disputes

Whilst the Courts close during the Christmas period, time still continues to run. Weekends and holidays are counted in the reckoning of days under the CPR unless the period is five days or less, in which case they are excluded.

The Construction Act prescribes rules for reckoning periods of time. Under the Act, Bank Holidays, Christmas Day and Good Friday are not counted, whereas many contracts simply exclude Bank Holidays.

It is also not uncommon for Referring parties to commence adjudication on Christmas Eve. Whilst an extension may be sought and would usually be granted, time continues to run over the holidays and there would be less time to prepare a Response after the return to work, when many in key positions may be on extended leave.

If you have a dispute brewing, it may be as well to ask for service via your personal or alternative accessible email or to check the service address of the business over the holiday period.

Cash Collection

Use this week and next to collect in cash; don't take "No" for an answer. Some businesses will not be around after the Christmas and New Year break - make sure it's not yours.

Wishing all in the industry a Happy Christmas and Prosperous New Year.

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Further information

For more information and to discuss how Taylors can add value to your project, contact:

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Key Construction Industry Services:

- Procurement
- Contract drafting and approval
- Project planning and tendering
- Dispute resolution, including mediation and expert determination
- Adjudication
- Arbitration and litigation
- Professional terms of engagement
- Bonds
- Warranties
- Guarantees and sureties
- Letters of intent
- Claims avoidance
- Infrastructure projects
- Project funding
- Liability issues

About Taylors:

Taylors Solicitors is a dynamic and highly experienced commercial law firm with offices in Manchester and Blackburn, Lancashire.

We provide a range of commercial legal services and are committed to providing the highest quality service through a real understanding of our clients' business priorities and requirements and a common sense and commercial approach.

