

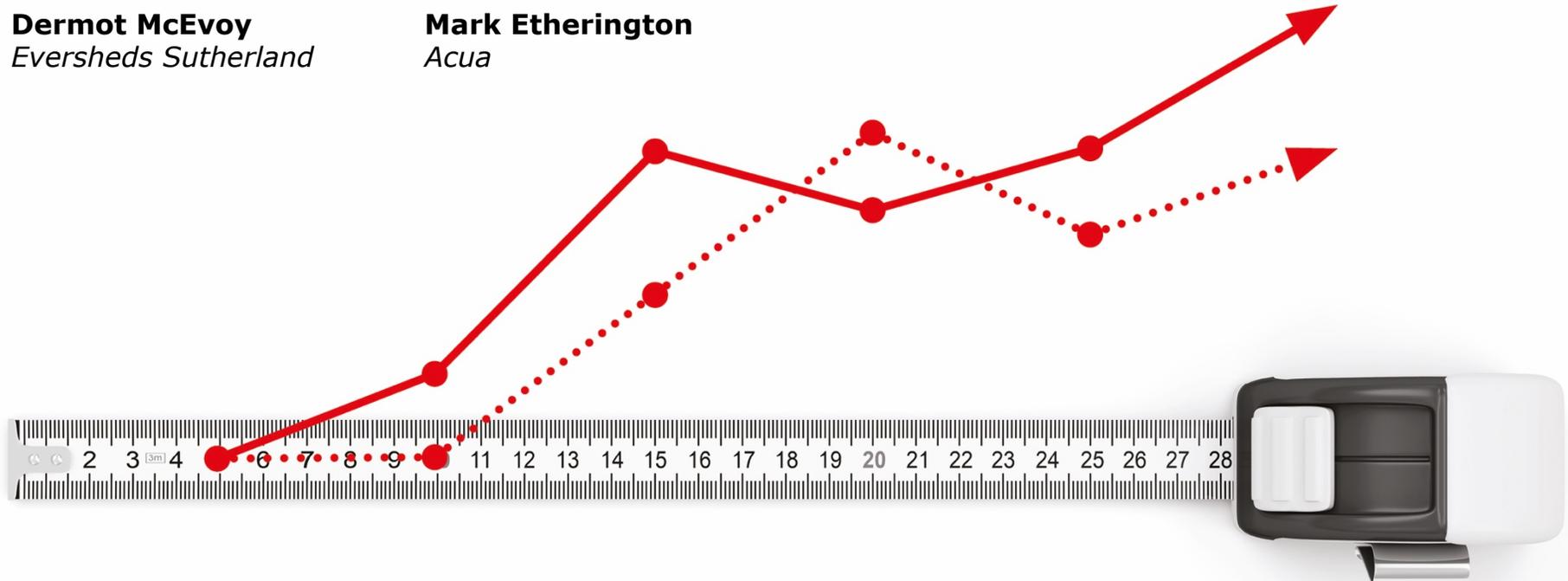
# Concurrency in construction contracts

White paper conference

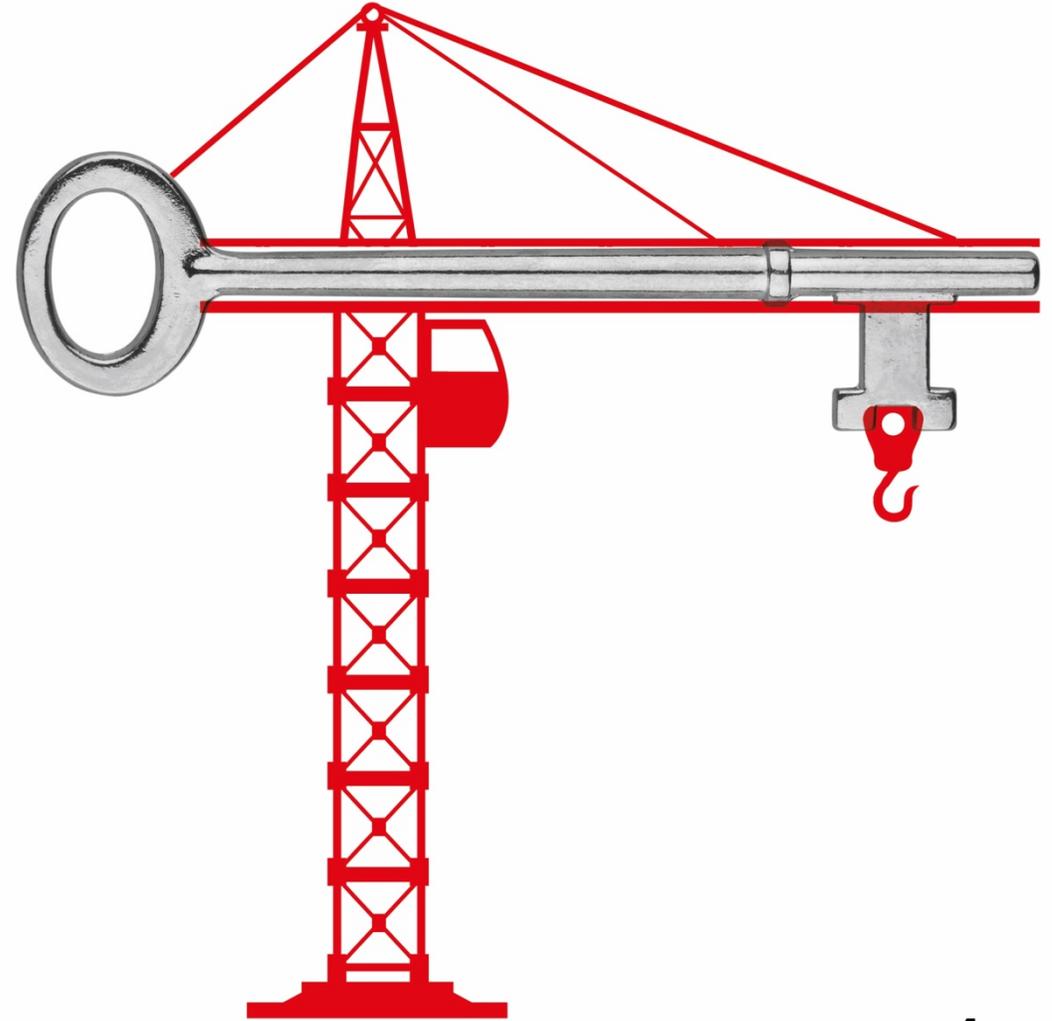
4 December 2018

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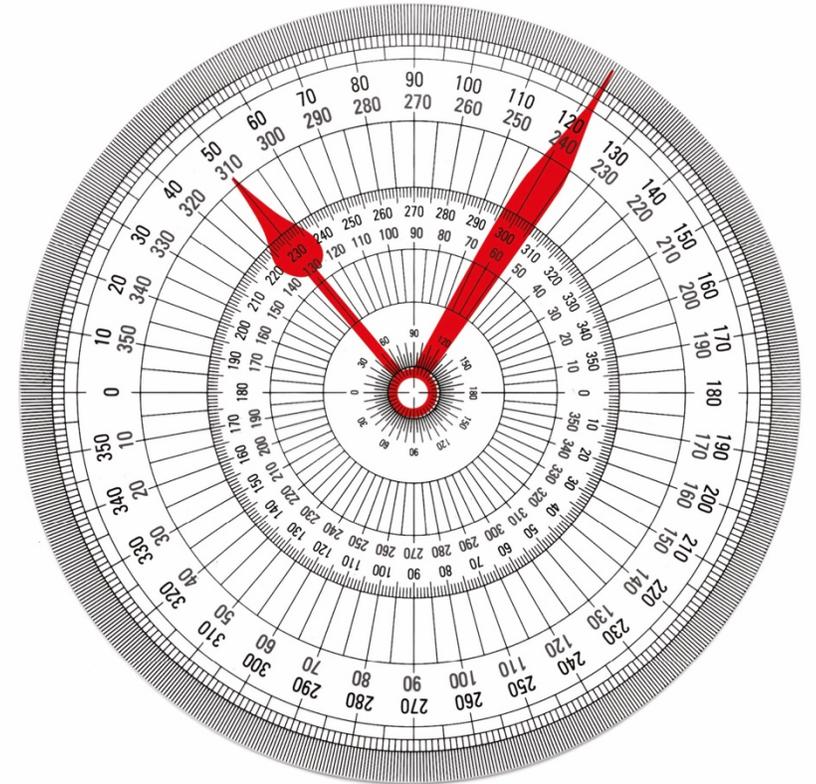
- "CONCURRENT DELAY"
- "PREVENTION PRINCIPLE"
- CONTRACT IS KING – *limitation on allocation of risk on concurrency*
- DELAYS BEYOND THE DATE FOR COMPLETION
- TIME NOT MONEY



- TRUE CONCURRENCY – *two or more effective causes of delay – of approximately equal potency*
- OTHER DEFINITIONS, CITY INNS CASE – *determine the effect /consequences on the completion date*
- TIME DOES NOT MEAN MONEY
- A QUESTION OF CAUSATION – *identify the cause and effect of the delay*

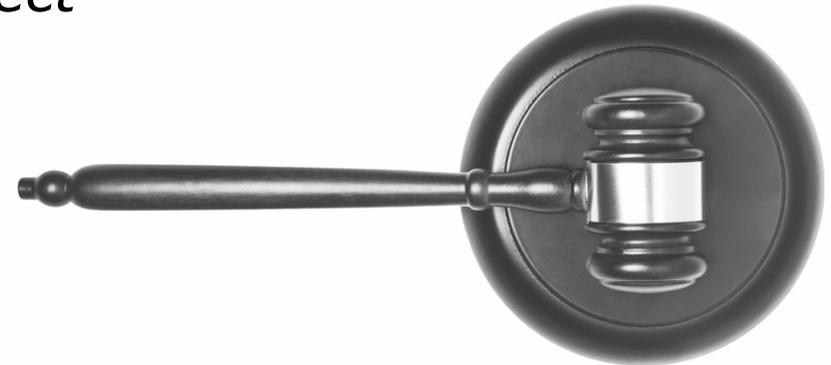


- STARTING POINT IS ALWAYS THE CONTRACT - MALMAISSON
- RELEVANT EVENT, WHICH CAUSES A DELAY TO THE COMPLETION DATE – CONTRACTOR/ EMPLOYER DELAY
- ARCHITECT REQUIRED TO CALCULATE A “*FAIR AND REASONABLE EXTENSION OF TIME*”
- CITY INNS – *5 causative scenarios for analysis*
- CRITICAL PATH ANALYSIS

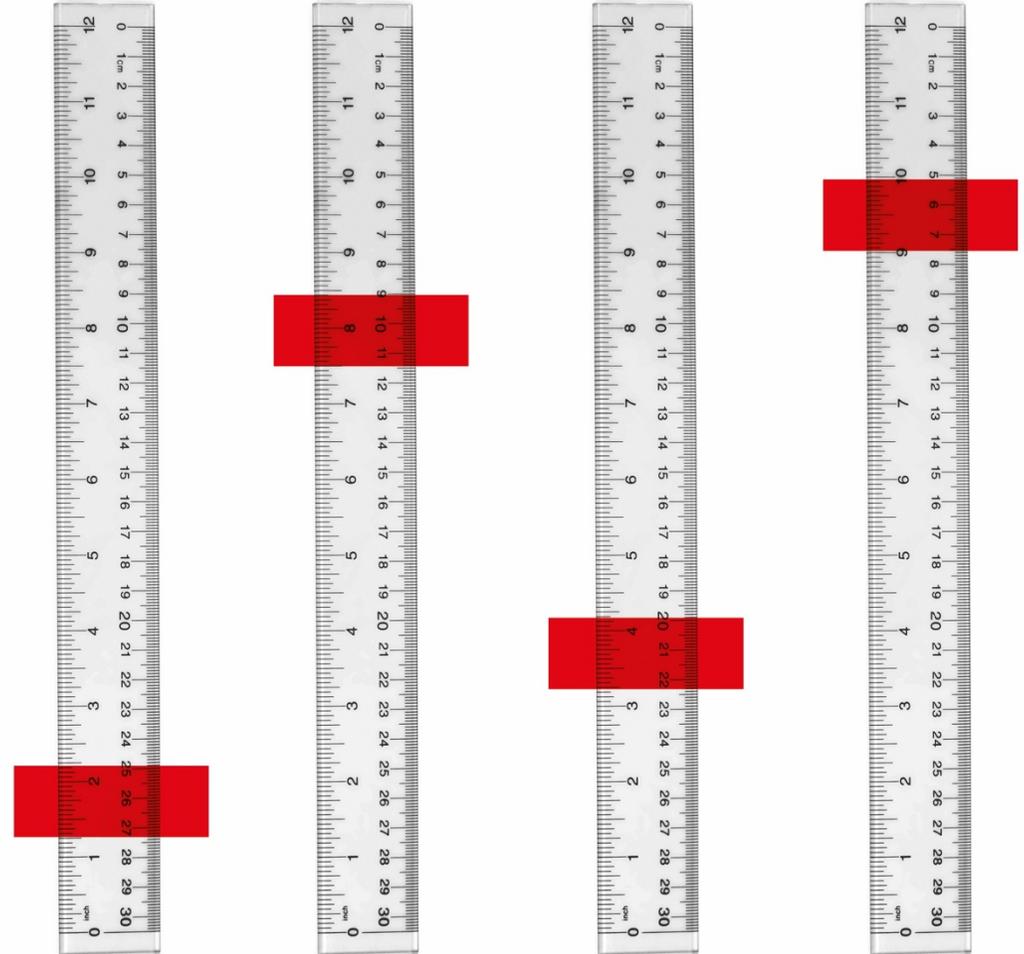


# It's a question of causation

- “BUT-FOR” TEST – *for €s not EOT*
- “DOMINANT EFFECT” – *the dominant cause is a question of fact*
- “APPORTIONMENT” – *culpable -v- intervening delay events*
- “EFFECTIVE CAUSE” – *a new test - An effective cause is one that operates by itself or combines with another cause critical delay to the completion date of a project”*



- RE-ALLOCATING THE RISK
- SILENCE
- NMB AND CYDEN HOMES
- WALTER LILLY V MACKAY AND ANOR



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