NOTICES AND TIME BARS

Key deadlines under FIDIC, JBCC and GCC

Most lost claims are not lost on their merits. They are lost because a notice was given late, sent to the wrong person or never given at all. Each standard form sets strict periods for notifying a claim and for submitting the detailed claim, and several treat a late notice as a complete bar to entitlement.

DEFAULT PERIODS AT A GLANCE

Form of contract	Notice of claim	Detailed claim	Response
FIDIC Red Book 2017	Within 28 days of becoming aware, or when the Contractor should have become aware (Sub-Clause 20.2.1)	Within 84 days of becoming aware (Sub-Clause 20.2.4)	Engineer agrees or determines under Sub-Clause 3.7
FIDIC Red Book 1999	Within 28 days of becoming aware, or when the Contractor should have become aware (Sub-Clause 20.1)	Within 42 days of becoming aware (Sub-Clause 20.1)	Engineer responds within 42 days of receiving the claim (Sub-Clause 20.1)
JBCC PBA Edition 6.2 (2018)	Within 20 working days of becoming aware of a delay (clause 23.4.2) or of expense and loss (clause 26.5)	Within 40 working days of being able to quantify the delay (clause 23.5)	Principal agent grants, reduces or refuses within 20 working days (clause 23.7)
GCC 2015 (3rd Edition)	Within 28 days after the circumstance arose, with the claim and its particulars or, where that is not possible, a notice of intention to claim (clause 10.1.1)	Ongoing events: updated particulars monthly and the final claim within 28 days after the event ends	Employer's Agent rules within 28 days of the claim (clause 10.1.5)

GOOD PRACTICE

- Read the contract data and particular conditions first. Employers often amend the default periods.
- Diarise every notice period the day an event occurs, and count JBCC periods in working days.
- Give notice in writing, in the form and to the person the contract requires. A note in the site minutes is seldom enough.
- Refer to the clause relied on and describe the event, even if its effect cannot yet be quantified.
- Keep a notices register showing what was sent, to whom, when and how delivery was proved.
- For continuing events, send updated particulars at the intervals the contract requires.

This guide is general information only and does not replace the conditions of your contract or legal advice. Clause references are to the unamended standard forms; always check the edition and any particular conditions that apply to your project.

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