P58 – NOTICE GIVING POSSESSION OF SITE

(Subclause 24.1)

DATE: [INSERT DATE OF NOTICE]

TO CONTRACTOR: [INSERT CONTRACTOR NAME]

PROJECT NAME: [INSERT PROJECT/CONTRACT NAME]

CONTRACT No.: [INSERT CONTRACT NUMBER]

Pursuant to subclause 24.1 of the General Conditions of Contract, the Principal gives the Contractor possession of the portions of the site as follows:

|  |  |
| --- | --- |
| Portion of site | Date possession is available |
| [PROVIDE DETAILS OF THE PORTION(S) OF THE SITE OF WHICH POSSESSION IS GIVEN] | [INSERT DATE ON WHICH POSSESSION WILL BE AVAILABLE] |
| [PROVIDE DETAILS OF THE PORTION(S) OF THE SITE OF WHICH POSSESSION IS GIVEN] | [INSERT DATE ON WHICH POSSESSION WILL BE AVAILABLE] |

|  |  |
| --- | --- |
| Signed by the Principal: |  |
|  |  |
| Signature |  |
|  |  |
| Name |  |
|  |  |
| Date |  |

|  |  |
| --- | --- |
| [REMOVE BEFORE SENDING] Notes: | |
| a) | The Principal is required to give possession of so much of the site to enable the Contractor to commence WUC on site before the expiry of the time stated in clause 24. |
| b) | Delay in giving adequate possession up to the time stated in Item 31 (Item 36 of the Design and Construct: Standard Risk contract) will not be a breach of the Contract but will be a ground for an EOT. It will also usually be an act or omission of the Principal and therefore will be a compensable cause of delay entitling the Contractor to claim delay costs under subclause 34.9. |
| c) | If the Principal does not initially give the Contractor possession of the whole site, the Principal must give possession of the remainder of the site as and when necessary so as to avoid delay to WUC. |
| d) | Delay in giving possession by the Principal by the time required by clause 24 means that both the Principal and the Contractor should notify the delay if WUC will be delayed (subclause 34.2). If the Contractor wishes to claim an EOT, the Contractor must claim pursuant to subclause 34.3 and, if the Contractor wishes to claim delay costs under subclause 34.9, the Contractor must also give a prescribed notice under subclause 41.1. |
| e) | Reference should be made to subclause 39.7(a)(iii) concerning delay in giving adequate possession of the site once the time in clause 24 has expired. |
| f) | For further guidance see the notes to Items 22 and 31 in Chapter 7, to subclause 24.1 in section 11.1 of Chapter 11 and subclause 39.7(a)(iii) in section 18.3 of Chapter 18 of HB140-2000. |
| g) | As to service of Form P58 refer to clause 7. |