

## Additional Errata for 2017 FIDIC contracts

### Red Book 2017:

#### Sub-Clause 15.2.1 [Notice]:

The sentence "*and such failure constitutes a material breach of the Contractor's obligations under the Contract*" following sub-paragraph (a) should be indented so as to be clear that it is part of sub-paragraph (a).

- (a) fails to comply with:
  - (i) a Notice to Correct;
  - (ii) a binding agreement, or final and binding determination, under Sub-Clause 3.7 [Agreement or Determination]; or
  - (iii) a decision of the DAAB under 21.4 [Obtaining DAAB's Decision] (whether binding or final and binding)and such failure constitutes a material breach of the Contractor's obligations under the Contract;
- (b) abandons the Works or otherwise plainly demonstrates an intention

#### Sub-Clause 16.1 [Suspension by Contractor]:

The sentence "*and such failure constitutes a material breach of the Employer's obligations under the Contract*" following sub-paragraph (d) should be indented so as to be clear that it is part of sub-paragraph (d).

- (c) the Employer fails to comply with sub-Clause 14.1 [Payment], or
- (d) the Employer fails to comply with:
  - (i) a binding agreement, or final and binding determination under Sub-Clause 3.7 [Agreement or Determination]; or
  - (ii) a decision of the DAAB under 21.4 [Obtaining DAAB's Decision] (whether binding or final and binding)and such failure constitutes a material breach of the Employer's obligations under the Contract,

the Contractor may, not less than 21 days after giving a Notice to the Employer (which Notice shall state that it is given under this Sub-Clause

Sub-Clause 16.2 [Termination by Contractor]:

The sentence "*and such failure constitutes a material breach of the Employer's obligations under the Contract*" following sub-paragraph (d) should be indented so as to be clear that it is part of sub-paragraph (d).

Sub-Clause 14.7 [*Payment*];

- (d) the Employer fails to comply with:
- (i) a binding agreement, or final and binding determination under Sub-Clause 3.7 [*Agreement or Determination*]; or
  - (ii) a decision of the DAAB under 21.4 [*Obtaining DAAB's Decision*] (whether binding or final and binding)

and such failure constitutes a material breach of the Employer's obligations under the Contract;

## Yellow Book 2017:

### Sub-Clause 16.1 [Suspension by Contractor]:

The sentence "*and such failure constitutes a material breach of the Employer's obligations under the Contract*" following sub-paragraph (d) should be indented so as to be clear that it is part of sub-paragraph (d).

- (c) the Employer fails to comply with Sub-Clause 14.1 [Payment], or
- (d) the Employer fails to comply with:
  - (i) a binding agreement, or final and binding determination under Sub-Clause 3.7 [Agreement or Determination]; or
  - (ii) a decision of the DAAB under 21.4 [Obtaining DAAB's Decision]  
(whether binding or final and binding)

→ and such failure constitutes a material breach of the Employer's obligations under the Contract,

the Contractor may, not less than 21 days after giving a Notice to the Employer (which Notice shall state that it is given under this Sub-Clause

## Silver Book 2017:

### Sub-Clause 15.2.1 [Notice]:

The sentence "*and such failure constitutes a material breach of the Contractor's obligations under the Contract*" following sub-paragraph (a) should be indented so as to be clear that it is part of sub-paragraph (a).

intention to terminate the Contract or, in the case of sub-paragraph (f), (g) or (h) below a Notice of termination, if the Contractor:

- (a) fails to comply with:
  - (i) a Notice to Correct;
  - (ii) a binding agreement, or final and binding determination, under Sub-Clause 3.5 [*Agreement or Determination*]; or
  - (iii) a decision of the DAAB under 21.4 [*Obtaining DAAB's Decision*] (whether binding or final and binding)

and such failure constitutes a material breach of the Contractor's obligations under the Contract;

- (b) abandons the Works or otherwise plainly demonstrates an intention

### Sub-Clause 16.1 [Suspension by Contractor]:

The sentence "*and such failure constitutes a material breach of the Employer's obligations under the Contract*" following sub-paragraph (c) should be indented so as to be clear that it is part of sub-paragraph (c).

- (b) the Employer fails to comply with Sub-Clause 14.7 [*Payment*]; or
- (c) the Employer fails to comply with:
  - (i) a binding agreement, or final and binding determination under Sub-Clause 3.5 [*Agreement or Determination*]; or
  - (ii) a decision of the DAAB under 21.4 [*Obtaining DAAB's Decision*] (whether binding or final and binding)

and such failure constitutes a material breach of the Employer's obligations under the Contract,

the Contractor may, not less than 21 days after giving a Notice to the