

FROM 2016 TO 2024: THE EVOLUTION OF THE JCT DESIGN & BUILD CONTRACT

A critical analysis of risk, design liability, collaboration and regulatory requirements under the JCT Design and Build Contract (D&BC)



INTRODUCTION

The JCT D&BC is a widely used UK standard form. The 2016 edition provides single point responsibility, but is often criticised for contractor heavy risk transfer and design liability and limited collaboration and alignment with regulatory requirements. The 2024 edition was introduced during a period of digitalisation and regulatory reform. This research evaluates whether it delivers meaningful, practical improvement.



AIM AND OBJECTIVES

Aim: Critically analyse the evolution of the JCT D&BC between the 2016 and 2024 editions.

Objectives: Examine the 2016 form; identify 2024 revisions; evaluate effects on risk, design liability, collaboration and compliance with statutory requirements; assess implications for employers, contractors and professionals; determine whether the 2024 addresses the 2016 limitations.



RESEARCH METHODOLOGY

Research Type: Predominantly qualitative design with comparative clause level analysis.

Data Sources: Academic and practitioner literature; case law, statutory materials; JCT D&BC 2016, 2204 & TCC; 48 questionnaire responses; 8 semi-structured interviews.

Analysis: Thematic analysis, supported by triangulation between contract wording and practitioner evidence.



KEY FINDINGS

The research indicates that the 2024 edition is viewed positively, with regards to communication, digital records and indirect alignment with the BSA 2022. However, respondents view it as an incremental evolution only.



95.83%
said Employer's Requirements cause disputes at least occasionally



87.50%
rated 2024 early risk identification and communication as effective



81.25%
said 2024 aligns with digital information management practices



93.75%
rated 2024 effective in indirectly aligning BSA 2022 requirements



85.81%
of those with experience of both editions preferred the 2024 edition



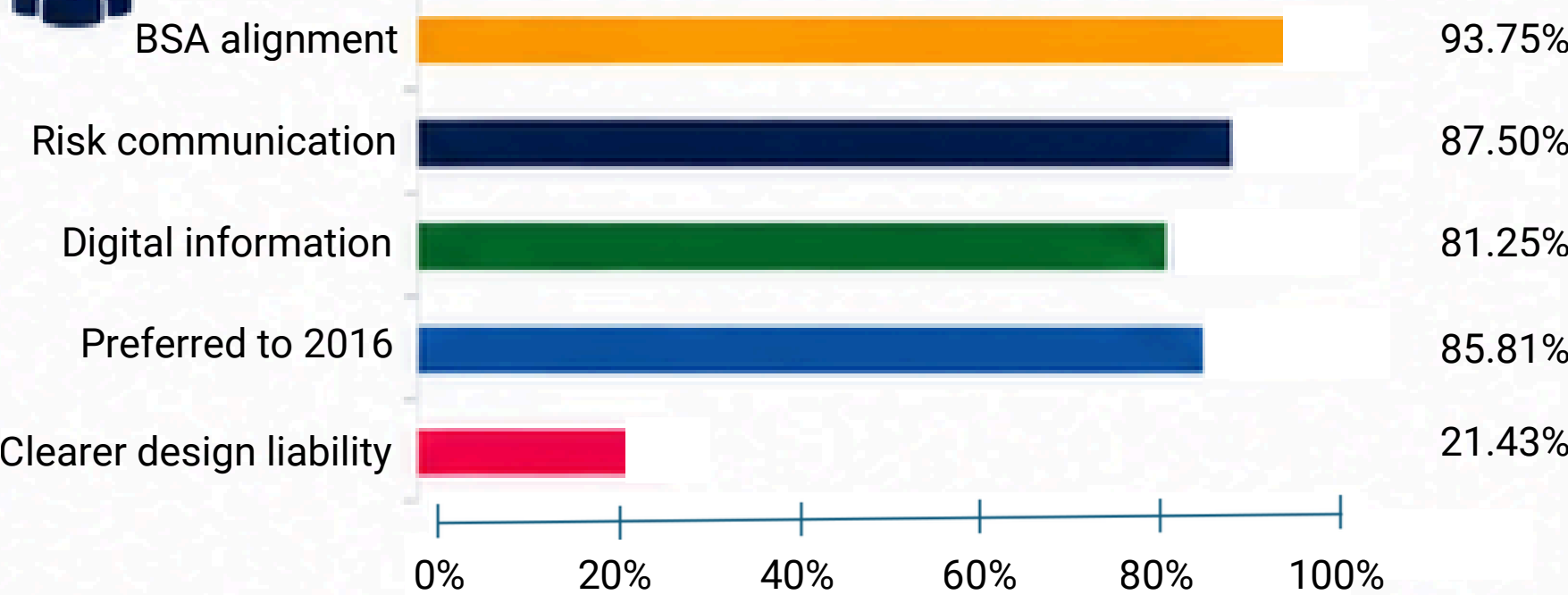
48 + 8
48 questionnaire responses and 8 semi structured interview responses



Only 16 out of the 48 questionnaire respondents have experience of the 2024 edition



PRACTITIONER PERCEPTION OF 2024 IMPROVEMENTS

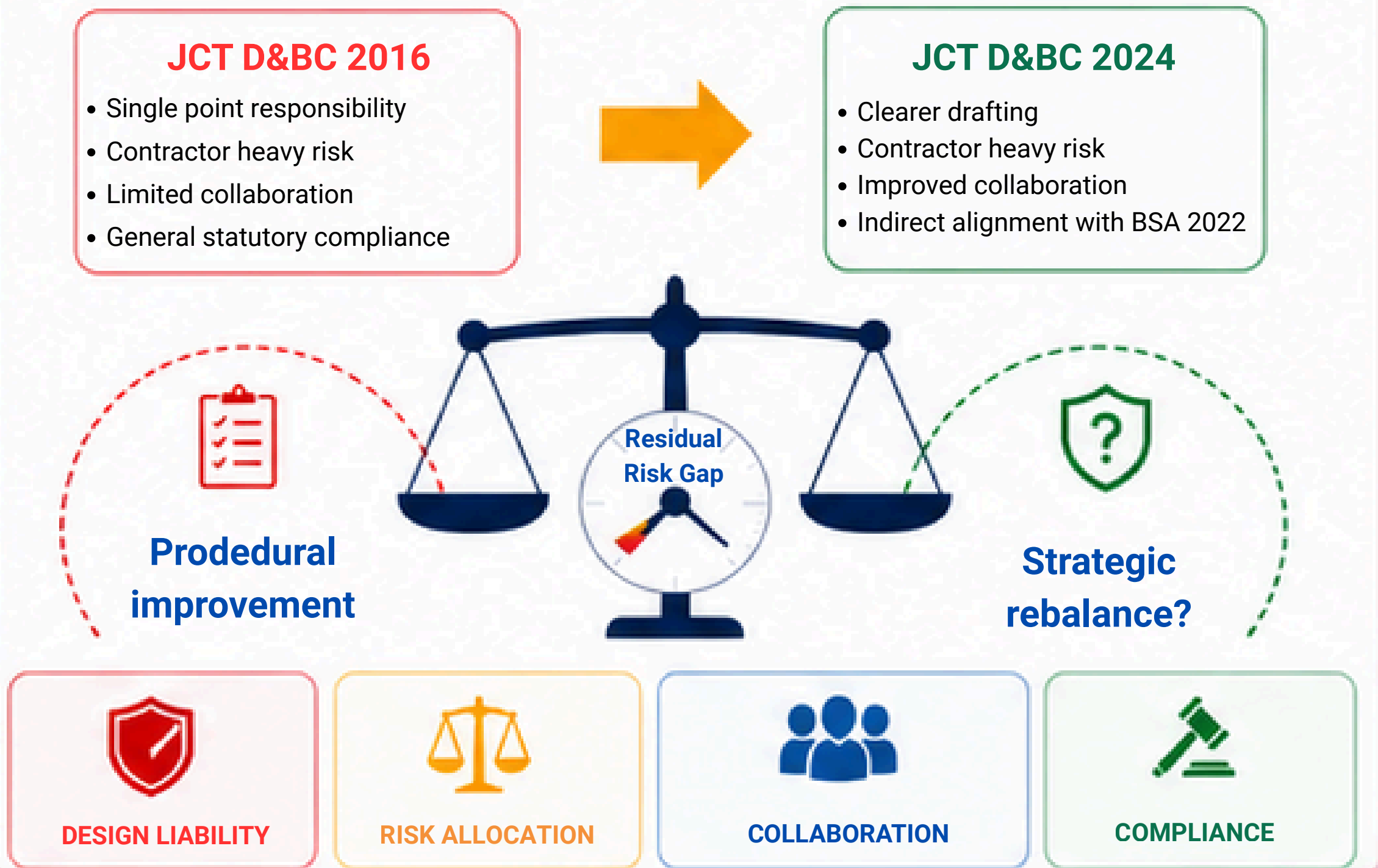


Interpretation: The 2024 edition is more robust with regards to procedure and compliance, but no change with regards to design liability.



THE CENTRAL FINDING

The 2024 edition improves procedure - but does not fundamentally rebalance risk.



COMPARATIVE ANALYSIS

1

Design Responsibility and Liability

2024 improves internal consistency and drafting clarity. It does not materially change the legal liability because contractor design responsibility and the reasonable skill and care standard remain central.



2

Contractual Risk Allocation

2024 improves early risk communication, but does not fundamentally redistribute cost, programme or coordination risk. The Target Cost Contract is commercially important but is separate from the D&BC.



3

Collaboration and Digital Information

2024 increases procedural support for communication, coordination and digital information management. It is more current, but not a relational or alliance style contract.



4

Regulatory Compliance and BSA 2022

2024 better supports duty holder appointments, building information exchange and indirect statutory compliance. It does not replace the golden thread or gateway obligations.



STAKEHOLDER IMPLICATIONS

Employers require comprehensive Employer's Requirements. Contractors require a robust tender stage risk review. Design teams need coordinated information control. All parties need clear BSA duty holder appointments and active contract administration.



CONCLUSION

The JCT D&BC 2024 is a meaningful but incremental evolution. It modernises administration, communication, digital information management and regulatory support. However, it does not fundamentally alter the contractor heavy, risk laden nature of design and build procurement.

Better drafting helps, but improved outcomes depend on early governance, comprehensive information, competent duty holders and collaborative, professional behaviours.



RECOMMENDATIONS

- Prepare comprehensive Employer's Requirements
- Review design liability and apportionment at tender to reduce ambiguity
- Use BIM and a project information protocol from day one
- Develop risk registers and communication plans before appointment
- Use target cost procurement where shared commercial pain is genuinely required
- Reassess the 2024 edition in 3 years, after mainstream industry adoption

