Public sector Z clauses for use with NEC3 contracts

The following z clauses are intended for UK Government clients when using the NEC3 forms of contracts. These clauses are additional conditions to the main NEC3 contract and are not intended for independent use. Whilst optional, public sector users should consider their use in conjunction with the main contract. NEC and the Office of Government Commerce have produced the generic clauses in collaboration to ensure compatibility with both the NEC3 suite of contracts and public sector terminology.

NEC3 engineering and construction contract Z clauses

Z1 Official Secrets and confidentiality
Z1.1 The Official Secrets Act 1989 and, where appropriate, the provisions of section 11 of the Atomic Energy Act 1946 apply to this contract from the starting date until the Defects Certificate or a termination certificate has been issued.

Z1.2 The Contractor notifies his employees and his Subcontractors of their duties under these Acts.

Z1.3 The Contractor does not use or disclose information concerning the contract obtained either by the Contractor or by any person employed by him except for the purposes of the contract.

Z2 Security

Site admittance

Z2.1 The Contractor submits to the Project Manager details of people who are to be employed by him and his Subcontractors in connection with the works. The details include a list of names and addresses, the capacities in which they are employed, and other information required by the Project Manager.

Z2.2 The Project Manager may instruct the Contractor to take measures to prevent unauthorised persons being admitted on to the Site. The instruction is a compensation event if the measures are additional to those required by the Works Information.

Passes

Z2.3 Employees of the Contractor and his Subcontractors are to carry an Employer’s pass whilst they are on the parts of the Site stated in the Contract Data.

Z2.4 The Contractor submits to the Project Manager for acceptance a list of the names of the people for whom passes are required. The Project Manager issues the passes to the Contractor. Each pass is returned to the Project Manager when the
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employee no longer requires access to that part of the Site or after the *Project Manager* has given notice that the employee is not to be admitted to the Site.

Photographs

Z2.5 The *Contractor* does not take photographs of the Site or the *works* or any part of them unless he has obtained the acceptance of the *Project Manager*.

Z2.6 The *Contractor* takes the measures needed to prevent his and his Subcontractors' people taking, publishing or otherwise circulating such photographs.
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Guidance on NEC3 Engineering and Construction Contract Z clauses

Site admittance

Any general requirements for Site security should be set out in the Works Information. Clause Z2.2 allows the Project Manager to instruct a higher level of security whenever necessary.

Passes

Z2.3 and Z2.4 are used when access is to be controlled by the issue of passes. An entry should be made in the Contract Data as follows:

“The parts of the Site where employees are to carry a pass are....”

Photographs

Z2.5 and Z2.6 should be used if the Contractor is to be restricted in taking photographs of the Site.
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NEC3 engineering and construction short contract Z clauses

Z1 Official Secrets and confidentiality

Z1.1 The Official Secrets Act 1989 and, where appropriate, the provisions of section 11 of the Atomic Energy Act 1946 apply to this contract from the starting date until the Defects Certificate or a termination certificate has been issued.

Z1.2 The Contractor notifies his employees and his subcontractors of their duties under these Acts.

Z1.3 The Contractor does not use or disclose information concerning the contract obtained either by the Contractor or by any person employed by him except for the purposes of the contract.

Z2 Security

Site admittance

Z2.1 The Contractor submits to the Employer details of people who are to be employed by him and his Subcontractors in connection with the works. The details include a list of names and addresses, the capacities in which they are employed, and other information required by the Employer.

Z2.2 The Employer may instruct the Contractor to take measures to prevent unauthorised persons being admitted on to the site. The instruction is a compensation event if the measures are additional to those required by the Works Information.

Passes

Z2.3 Employees of the Contractor and his subcontractors are to carry an Employer’s pass whilst they are on the parts of the site stated in the Contract Data.

Z2.4 The Contractor submits to the Employer for acceptance a list of the names of the people for whom passes are required. The Employer issues the passes to the Contractor. Each pass is returned to the Employer when the employee no longer requires access to that part of the site or after the Employer has given notice that the employee is not to be admitted to the site.

Photographs

Z2.5 The Contractor does not take photographs of the site or the works or any part of them unless he has obtained the acceptance of the Employer.
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Z2.6  The Contractor takes the measures needed to prevent his and his subcontractors’ people taking, publishing or otherwise circulating such photographs.
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NEC3 professional services contract Z clauses

Z1 Official Secrets and confidentiality

Z1.1 The Official Secrets Act 1989 and, where appropriate, the provisions of section 11 of the Atomic Energy Act 1946 apply to this contract from the starting date until the, the date of correction of any Defect notified before the defects date, or until a termination certificate has been issued.

Z1.2 The Consultant notifies his employees and his Subconsultants of their duties under these Acts.

Z1.3 The Consultant does not use or disclose information concerning the contract obtained either by the Consultant or by any person employed by him except for the purposes of the contract.

Z2 Security

Z2.1 to Z2.4 not used

Photographs

Z2.5 The Consultant does not take photographs of work carried out in connection with the services unless he has obtained the acceptance of the Employer.

Z2.6 The Consultant takes the measures needed to prevent his and his Subconsultants’ people taking, publishing or otherwise circulating such photographs.
Public sector Z clauses for use with NEC3 contracts

NEC3 term service contract Z clauses

Z1 Official Secrets and confidentiality

Z1.1 The Official Secrets Act 1989 and, where appropriate, the provisions of section 11 of the Atomic Energy Act 1946 apply to this contract from the starting date until the expiry of the service period or until a termination certificate has been issued.

Z1.2 The Contractor notifies his employees and his Subcontractors of their duties under these Acts.

Z1.3 The Contractor does not use or disclose information concerning the contract obtained either by the Contractor or by any person employed by him except for the purposes of the contract.

Z2 Security

Admittance to Affected Property

Z2.1 The Contractor submits to the Service Manager details of people who are to be employed by him and his Subcontractors in connection with the service. The details include a list of names and addresses, the capacities in which they are employed, and other information required by the Service Manager.

Z2.2 The Service Manager may instruct the Contractor to take measures to prevent unauthorised persons being admitted to Affected Property. The instruction is a compensation event if the measures are additional to those required by the Service Information.

Passes

Z2.3 Employees of the Contractor and his Subcontractors are to carry an Employer’s pass whilst they are on the parts of the Affected Property stated in the Contract Data.

Z2.4 The Contractor submits to the Service Manager for acceptance a list of the names of the people for whom passes are required. The Service Manager issues the passes to the Contractor. Each pass is returned to the Service Manager when the employee no longer requires access to that part of the Affected Property or after the Service Manager has given notice that the employee is not to be admitted to the Affected Property.
Public sector Z clauses for use with NEC3 contracts

Photographs

Z2.5 The Contractor does not take photographs of Affected Property or of work carried out in connection with the service unless he has obtained the acceptance of the Service Manager.

Z2.6 The Contractor takes the measures needed to prevent his and his Subcontractors’ people taking, publishing or otherwise circulating such photographs.