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NEC4 · CLAUSE 31.3 RESPONSE

Programme Not Accepted

A non-acceptance changes the status of one document, not the state of the job. The previous Accepted Programme stays in force, and every week the baseline is frozen your entitlement is measured against a document that no longer describes the work. Work down these checks before the next revision goes in.

1 Triage the notice before you touch the programme

- [ ] **Every stated reason sorted into right, wrong or unclear** before any revision work starts.
- [ ] **Right**: the criticism stands and the fix goes into the next revision.
- [ ] **Wrong**: the reason is factually mistaken, or sits outside the four grounds, and will be contested.
- [ ] **Unclear**: the notice fails the detail test, and your reply asks for the specifics needed to correct it.

State it: *a one-page triage note listing each reason and the box it falls into.*

2 Test the notice against Clause 31.3 and 13.4

- [ ] **Each reason mapped to one of the four permitted grounds**: not practicable, required information not shown, plans not realistic, or does not comply with the Scope.
- [ ] **Any reason outside those four identified**, and the Clause 60.1(9) compensation event position noted.
- [ ] **Detail test applied**: is each reason stated in sufficient detail to enable you to correct it, as Clause 13.4 requires.
- [ ] **Reasons sorted into judgement and checklist types**, because they are answered differently.

State it: *which reasons are contractual, which are outside the four, and which are too vague to action.*

3 Correct what is right

- [ ] **Every checklist reason fixed exactly as named**, not reinterpreted.
- [ ] **Clause 31.2 information re-verified**: Key Dates, terminal float, time risk allowances, method and sequence.
- [ ] **Judgement reasons answered with evidence**, not adjectives: basis of durations, method note on sequence, progress reconciled to site records.
- [ ] **A covering note maps each change to the reason it answers**, so acceptance is a short decision rather than a fresh review.

State it: *a change log tying every revision back to the specific reason it resolves.*

The notice is not the problem. The drift is.

4 Contest what is wrong, in the contract's language

- [ ] **Non-contractual reasons answered in writing**, citing the four grounds and the Clause 60.1(9) position.
- [ ] **Factually wrong reasons answered with records**, not correspondence.
- [ ] **Tone kept at punch-list level**. The aim is a workable list, not a dispute.
- [ ] **Escalation route known** if it does not resolve at project level, and used only if it must be.

State it: *your position on each contested reason, in one paragraph each, on the record.*

5 Resubmit on the clock, and use the silence rule

- [ ] **Corrected programme resubmitted promptly**, not held to the next monthly interval.
- [ ] **Two-week response window diarised** from the date of resubmission.
- [ ] **If the response window passes, the failure is notified**, because the deemed acceptance route runs only when the Contractor notifies it.
- [ ] **A further week of silence tracked**, at which point the programme is treated as accepted.

State it: *the submission date, the response deadline and the notification date, on one line per revision.*

Before you resubmit

The baseline ages every week this stays open.

- [ ] Every stated reason has been answered, corrected or contested, and none has been ignored.
- [ ] The revision is defensible on its own evidence, not on the strength of the covering note.
- [ ] If this programme is accepted tomorrow, it would carry the dates and logic your next compensation event depends on.

Programme come back not accepted? Book a 30-minute call about Clause 31 and 32 programmes.

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