OFOEGBU CHIJIOKE FORTUNE

17/ENG02/062

Question 2

Describe two scenario wher force majure clauses can be applicable to contact in your discipline

Solution

Force Majeure Event" means the occurrence of:

(a) an act of war (whether declared or not), hostilities, invasion, act of foreign enemies, terrorism or civil disorder;

(b) ionising radiations, or contamination by radioactivity from any nuclear fuel, or from any nuclear waste from the combustion of nuclear fuel, radioactive toxic explosive or other hazardous properties of any explosive nuclear assembly or nuclear component thereof;

(c) pressure waves from devices travelling at supersonic speeds or damage caused by any aircraft or similar device;

(d) a strike or strikes or other industrial action or blockade or embargo or any other form of civil disturbance (whether lawful or not), in each case affecting on a general basis the industry related to the affected Services and which is not attributable to any unreasonable action or inaction on the part of the Company or any of its Subcontractors or suppliers and the settlement of which is beyond the reasonable control of all such persons;

(d) specific incidents of exceptional adverse weather conditions in excess of those required to be designed for in this Agreement which are materially worse than those encountered in the relevant places at the relevant time of year during the twenty (20) years prior to the Effective Date;

(e) tempest, earthquake or any other natural disaster of overwhelming proportions; pollution of water sources resulting from any plane crashing into [ ];

(f) discontinuation of electricity supply, not covered by the agreement concluded with the [utility company]; or

(g) other unforeseeable circumstances beyond the control of the Parties against which it would have been unreasonable for the affected party to take precautions and which the affected party cannot avoid even by using its best efforts,

which in each case directly causes either party to be unable to comply with all or a material part of its obligations under this Agreement;

As computer Engineers

Force majeure can’t deeply affect a contract given to us unless a natural disaster like Death, stroke or illness at all occurs to the contractor.

Speaking further, from the definition and explanation given above for force majeure.

A computer Engineer can face little challenges while handling a contract which are under the coat of ‘Force Majeure’

For Instance(Scenerios):

I) A Computer Engineer who has signed a contract with the clause of Force Majeure doesn’t have to be bothered even after he has drafted his invoice. Because at this point, important things like connecting cables, a network hub and few other things could hinder he/she from working on a networking contract If not enough as speculated in the invoice and can also be regarded as Force Majeure when the contractor had budgeted and couldn’t meet up with the demand at that point.

II) If there is a nationwide blackout computer engineers are powerless because we need energy supply to work and do all works