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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 371**

**The Scheme for Construction Contracts  
(Scotland) Amendment Regulations 2011**

**Amendment of Part II of the Scheme**

4.—(1) Part II (payment) of the Scheme is amended as follows.

(2) For paragraph 9, substitute—

**“Payment notice**

9.—(1) In relation to every payment provided for by the contract, the payer shall, not later than 5 days after the payment due date, give a notice to the payee complying with sub-paragraph (2).

(2) A notice complies with this sub-paragraph if it specifies—

- (a) the sum that the payer considers to be or to have been due at the payment due date;
- (b) the work to which the payment relates; and
- (c) the basis on which that sum is calculated.

(3) For the purposes of this paragraph, it is immaterial that the sum referred to in sub-paragraph (2) may be zero.

(4) A payment provided for by the contract includes any payment of the kind mentioned in paragraphs 2, 5, 6, or 7.”

(3) For paragraph 10, substitute—

**“Notice of intention to pay less than the notified sum**

10. Any notice of intention to pay less than the notified sum mentioned in section 111(3)(1) of the Act shall be given not later than 7 days before the final date for payment determined—

- (a) in accordance with the construction contract, or
- (b) where no such provision is made in the contract, in accordance with paragraph 8.”

(4) In paragraph 12 (interpretation)—

(a) omit the definition of “claim by the payee”; and

(b) after the definition of “contract price” insert the following definitions—

““making of a claim by the payee” means the giving of a written notice by the payee to the payer specifying—

- (a) the sum that the payee considers to be due from the payer;
- (b) the work to which the sum relates; and
- (c) the basis on which that sum is calculated;

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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“payee” means the person under a construction contract to whom a payment is due;  
“payer” means the person under a construction contract from whom a payment is due;”.