



# Housing Grants, Construction and Regeneration Act 1996

## 1996 CHAPTER 53

### PART II

#### CONSTRUCTION CONTRACTS

##### *Payment*

#### **110 Dates for payment.**

- (1) Every construction contract shall—
- (a) provide an adequate mechanism for determining what payments become due under the contract, and when, and
  - (b) provide for a final date for payment in relation to any sum which becomes due.

The parties are free to agree how long the period is to be between the date on which a sum becomes due and the final date for payment.

[<sup>F1</sup>(1A) The requirement in subsection (1)(a) to provide an adequate mechanism for determining what payments become due under the contract, or when, is not satisfied where a construction contract makes payment conditional on—

- (a) the performance of obligations under another contract, or
- (b) a decision by any person as to whether obligations under another contract have been performed.

(1B) In subsection (1A)(a) and (b) the references to obligations do not include obligations to make payments (but see section 113).

(1C) Subsection (1A) does not apply where—

- (a) the construction contract is an agreement between the parties for the carrying out of construction operations by another person, whether under sub-contract or otherwise, and

*Changes to legislation: There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Section 110. (See end of Document for details)*

(b) the obligations referred to in that subsection are obligations on that other person to carry out those operations.]

[<sup>F2</sup>(1D) The requirement in subsection (1)(a) to provide an adequate mechanism for determining when payments become due under the contract is not satisfied where a construction contract provides for the date on which a payment becomes due to be determined by reference to the giving to the person to whom the payment is due of a notice which relates to what payments are due under the contract.]

<sup>F3</sup>(2) .....

(3) If or to the extent that a contract does not contain such provision as is mentioned in subsection (1) <sup>F4</sup>..., the relevant provisions of the Scheme for Construction Contracts apply.

#### Textual Amendments

- F1** S. 110(1A)-(1C) inserted (1.10.2011 for E.W., 1.11.2011 for S.) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. **142(2)**, 148(8), 149 (with s. 149(3)(4)); S.I. 2011/1582, art. 2; S.I. 2011/1597, arts. 2, 3, S.S.I. 2011/291, art. 2
- F2** S. 110(1D) inserted (1.10.2011 for E.W., 1.11.2011 for S.) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. **142(3)**, 148(8), 149 (with s. 149(3)(4)); S.I. 2011/1582, art. 2; S.I. 2011/1597, arts. 2, 3, S.S.I. 2011/291, art. 2
- F3** S. 110(2) repealed (1.10.2011 for E.W., 1.11.2011 for S.) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 143(2)(a), 146(3), 148(8), 149, **Sch. 7 Pt. 5** (with s. 149(3)(4)); S.I. 2011/1582, art. 2; S.I. 2011/1597, arts. 2, 3, S.S.I. 2011/291, art. 2
- F4** Words in s. 110(3) repealed (1.10.2011 for E.W., 1.11.2011 for S.) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 143(2)(b), 146(3), 148(8), 149, **Sch. 7 Pt. 5** (with s. 149(3)(4)); S.I. 2011/1582, art. 2; S.I. 2011/1597, arts. 2, 3, S.S.I. 2011/291, art. 2

#### Modifications etc. (not altering text)

- C1** Pt. 2 excluded (E.W.) (5.5.2023) by [The Construction Contracts \(Exclusion\) \(Wales\) Order 2023 \(S.I. 2023/475\)](#), arts. 1(3), **3**
- C2** S. 110(1A) restricted (1.10.2011) by [The Construction Contracts \(England\) Exclusion Order 2011 \(S.I. 2011/2332\)](#), arts. 1(1), **3**
- C3** S. 110(1A) disapplied (S.) (1.11.2011) by [The Construction Contracts \(Scotland\) Exclusion Order 2011 \(S.S.I. 2011/370\)](#), arts. 1(1), **2**
- C4** S. 110(1A) excluded (E.W.) (5.5.2023) by [The Construction Contracts \(Exclusion\) \(Wales\) Order 2023 \(S.I. 2023/475\)](#), arts. 1(3), **4**

#### Commencement Information

- I1** S. 110 wholly in force; s. 110 not in force at Royal Assent see s. 150; s. 110 in force at 1.5.1998 by (E.W.) S.I. 1998/650, art. 2 and (S.) S.I. 1998/894, art. 2

**Changes to legislation:**

There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Section 110.