

STATUTORY INSTRUMENTS

1997 No. 274

The Construction Contracts (Northern Ireland) Order 1997

Payment

Right to suspend performance for non-payment

11.—(1) [^{F1}Where the requirement in Article 10(1) applies in relation to any sum but is not complied with,] the person to whom the sum is due has the right (without prejudice to any other right or remedy) to suspend performance of [^{F2}any or all of] his obligations under the contract to the party by whom payment ought to have been made (the party in default).

(2) The right may not be exercised without first giving to the party in default at least 7 days' notice of intention to suspend performance, stating the ground or grounds on which it is intended to suspend performance.

(3) The right to suspend performance ceases when the party in default makes payment in full of [^{F3}the sum referred to in paragraph (1)].

[^{F4}(3A) Where the right conferred by this Article is exercised, the party in default shall be liable to pay to the party exercising the right a reasonable amount in respect of costs and expenses reasonably incurred by that party as a result of the exercise of the right.]

(4) Any period during which performance is suspended in pursuance of [^{F5}, or in consequence of the exercise of,] the right conferred by this Article shall be disregarded in computing for the purposes of any contractual time limit the time taken, by the party exercising the right or by a third party, to complete any work directly or indirectly affected by the exercise of the right.

Where the contractual time limit is set by reference to a date rather than a period, the date shall be adjusted accordingly.

F1 Words in art. 11(1) substituted (14.11.2012) by [Construction Contracts \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 4\), ss. 7\(2\)\(a\), 9\(2\)](#) (with s. 9(4)); S.R. 2012/367, art. 2

F2 Words in art. 11(1) inserted (14.11.2012) by [Construction Contracts \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 4\), ss. 8\(a\), 9\(2\)](#) (with s. 9(4)); S.R. 2012/367, art. 2

F3 Words in art. 11(3) substituted (14.11.2012) by [Construction Contracts \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 4\), ss. 7\(2\)\(b\), 9\(2\)](#) (with s. 9(4)); S.R. 2012/367, art. 2

F4 Art. 11(3A) inserted (14.11.2012) by [Construction Contracts \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 4\), ss. 8\(b\), 9\(2\)](#) (with s. 9(4)); S.R. 2012/367, art. 2

F5 Words in art. 11(4) inserted (14.11.2012) by [Construction Contracts \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 4\), ss. 8\(c\), 9\(2\)](#) (with s. 9(4)); S.R. 2012/367, art. 2

Changes to legislation:

There are currently no known outstanding effects for the The Construction Contracts (Northern Ireland) Order 1997, Section 11.