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STATUTORY RULES OF NORTHERN IRELAND

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**2012 No. 365**

**The Scheme for Construction Contracts in Northern Ireland (Amendment) Regulations (Northern Ireland) 2012**

**Amendments to Part 2 (Payment) of the Schedule to the Principal Regulations**

- 4.—(1) Part 2 (Payment) of the Schedule to the Principal Regulations is amended as follows.
- (2) In paragraph 5—
- (a) omit the words “the expiry of”; and
  - (b) insert the words “the expiry of” before the words “30 days following the completion of the work”.
- (3) For paragraph 9, substitute—

**“Payment notice**

- 9.—(1) Where the parties to a construction contract fail, in relation to a payment provided for by the contract, to provide for the issue of a payment notice pursuant to Article 9A(1) of the 1997 Order, the provisions of this paragraph apply.
- (2) The payer must, not later than five days after the payment due date, give a notice to the payee complying with sub-paragraph (3).
- (3) A notice complies with this sub-paragraph if it specifies the sum that the payer considers to be due or to have been due at the payment due date and the basis on which that sum is calculated.
- (4) For the purposes of this paragraph, it is immaterial that the sum referred to in sub-paragraph (3) may be zero.
- (5) A payment provided for by the contract includes any payment of the kind mentioned in paragraphs 2, 5, 6, or 7 above.”
- (4) For paragraph 10, substitute—

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

10. Where, in relation to a notice of intention to pay less than the notified sum mentioned in Article 10(3) of the 1997 Order, the parties fail to agree the prescribed period mentioned in Article 10(5), that notice must be given not later than seven days before the final date for payment determined either in accordance with the construction contract, or where no such provision is made in the contract, in accordance with paragraph 8 above.”