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Notification No. B 38 — The Building and Construction Industry Security of Payment (Amendment) Bill is published for general information. It was introduced in Parliament on 10 September 2018.

Building and Construction Industry Security of Payment (Amendment) Bill

Bill No. 38/2018.

Read the first time on 10 September 2018.

A BILL

i n t i t u l e d

An Act to amend the Building and Construction Industry Security of Payment Act (Chapter 30B of the 2006 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act is the Building and Construction Industry Security of Payment (Amendment) Act 2018 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

Amendment of section 2

2. Section 2 of the Building and Construction Industry Security of Payment Act (called in this Act the principal Act) is amended —

(a) by deleting the definition of “adjudicator” and substituting the following definition:

““adjudicator” means a person appointed under this Act to determine a payment claim dispute that has been referred for adjudication, and includes —

(a) a replacement adjudicator appointed under section 14A(3);

(b) a review adjudicator or a panel of review adjudicators appointed under section 18(5)(b); and

(c) a replacement review adjudicator or a replacement member of a panel of review adjudicators appointed under section 18A(3);”;

(b) by inserting, immediately after the words “supply contract” in the definition of “contract”, the words “, and includes a construction contract or a supply contract that has been terminated”;

(c) by inserting, immediately after the definition of “owner”, the following definition:

““patent error”, in relation to a payment claim, means an error that is obvious, manifest or otherwise easily recognisable on the face of the claim;”;

- (d) by inserting, immediately after the word “payment” in paragraph (a) of the definition of “progress payment”, the words “(including a final payment)”; and
- (e) by inserting, immediately after the word “date” in paragraph (b) of the definition of “progress payment”, the words “(including a final payment)”. 5

Amendment of section 4

3. Section 4 of the principal Act is amended —

- (a) by deleting the word “and” at the end of subsection (2)(b)(ii); 10
- (b) by deleting paragraph (c) of subsection (2) and substituting the following paragraphs:

“(c) any terminated contract to the extent that —

- (i) the terminated contract contains provisions relating to termination that permit the respondent to suspend progress payments to the claimant until a date or the occurrence of an event specified in the contract; and 15 20
- (ii) that date has not passed or that event has not occurred;
- (d) any contract for the prefabrication, in Singapore, of components intended for construction work to be carried out on a construction site outside Singapore, where any one of the parties to the contract is not — 25
- (i) a body corporate incorporated under any written law in Singapore; 30
- (ii) a limited partnership registered under the Limited Partnerships Act (Cap. 163B); or