Draft Regulations laid before Parliament under section 114(5) of the Housing Grants, Construction and Regeneration Act 1996, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2011 No. XXXX

CONSTRUCTION, ENGLAND

The Scheme for Construction Contracts (England and Wales) Regulations 1998 (Amendment) (England) Regulations 2011

Made - - - -	*xxx*
Coming into force - -	*1st October 2011*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 108(6), 114 and 146(1) and (2) of the Housing Grants, Construction and Regeneration Act 1996(**1**) ("the Act").

Before making these Regulations, the Secretary of State has consulted in accordance with section 114(2) of the Act.

In accordance with section 114(5) of the Act, a draft of these Regulations was laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Scheme for Construction Contracts (England and Wales) Regulations 1998 (Amendment) (England) Regulations 2011 and come into force on 1st October 2011.

(2) These Regulations only apply to construction contracts entered into after the coming into force of these Regulations.

(3) These Regulations do not apply to construction contracts to the extent that they relate to the carrying out of construction operations in Wales.

(4) In these Regulations—

"the Act" means the Housing Grants, Construction and Regeneration Act 1996; and

"the Principal Regulations" means the Scheme for Construction Contracts (England and Wales) Regulations 1998(**2**).

(**1**) 1996 c. 53.
(**2**) S.I. 1998/649.

Amendment to regulation 3 of the Principal Regulations

2. In paragraph (b) of regulation 3 of the Principal Regulations, after "section 110", insert "or by section 110A"(**3**).

Amendments to Part 1 (Adjudication) of the Schedule to the Principal Regulations

3.—(1) Part 1 (Adjudication) of the Schedule to the Principal Regulations is amended as follows.

(2) In paragraph 1(1), before the words "of his intention", insert the words "at any time".

(3) After paragraph 7(3) insert—

"Upon receipt of the referral notice, the adjudicator must inform every party to the dispute of the date that it was received".

(4) In paragraph 9(4), for the second sentence substitute—

"Subject to any contractual provision pursuant to section 108A(2) of the Act, the adjudicator may determine how the payment is to be apportioned and the parties are jointly and severally liable for any sum which remains outstanding following the making of any such determination"(**4**).

(5) In paragraph 11(1), for the third sentence substitute—

"Subject to any contractual provision pursuant to section 108A(2) of the Act, the adjudicator may determine how the payment is to be apportioned and the parties are jointly and severally liable for any sum which remains outstanding following the making of any such determination".

(6) In paragraph 15(b)–

(a) insert the word "the" after the word "as"; and

(b) for the words "be justified", substitute "justify".

(7) In paragraph 19(1)–

(a) in paragraphs (a) and (b), for the words "the date", substitute "receipt"; and

(b) in paragraph (c), insert the words "receipt of" after the word "after".

(8) In paragraph 20(b), for the words "section 111(4)", substitute "section 111(9)"(**5**).

(9) In paragraph 21, omit the words "in accordance with this paragraph".

(10) After paragraph 22 insert—

> "**22A.**—(1) The adjudicator may on his own initiative or on the application of a party correct his decision so as to remove a clerical or typographical error arising by accident or omission.
>
> (2) Any correction of a decision must be made within five days of the delivery of the decision to the parties.
>
> (3) As soon as possible after correcting a decision in accordance with this paragraph, the adjudicator must deliver a copy of the corrected decision to each of the parties to the contract.
>
> (4) Any correction of a decision forms part of the decision."

(11) Omit paragraph 23(1).

(12) Omit paragraph 24.

(13) In paragraph 25, for the second sentence substitute—

(**3**) Section 110A was inserted by section 143(3) of the Local Democracy, Economic Development and Construction Act 2009 (c.20).
(**4**) Section 108A was inserted by section 141 of the Local Democracy, Economic Development and Construction Act 2009.
(**5**) Section 111 was substituted by section 144 of the Local Democracy, Economic Development and Construction Act 2009.