STATUTORY RULES OF NORTHERN IRELAND

2012 No. 365

CONSTRUCTION

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

Made - - - -	*20th September 2012*
Affirmed by resolution of the Assembly on - - - -	*23rd October 2012*
Coming into operation	*14th November 2012*

The Department of Finance and Personnel, in exercise of the powers conferred by Articles 7(6), 13 and 16(1) of the Construction Contracts (Northern Ireland) Order 1997(**1**)("the 1997 Order") and now vested in it (**2**) makes the following Regulations.

Before making these Regulations, the Department of Finance and Personnel has consulted in accordance with Article 13(2) of the 1997 Order.

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Scheme for Construction Contracts in Northern Ireland (Amendment) Regulations (Northern Ireland) 2012 and come into operation on 14th November 2012.

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

(3) In these Regulations, "the Principal Regulations" means the Scheme for Construction Contracts in Northern Ireland Regulations (Northern Ireland) 1999(**3**).

Amendment to regulation 3 of the Principal Regulations

2. In paragraph (b) of regulation 3 of the Principal Regulations, for "Article 9", substitute "Article 9 or Article 9A"(**4**).

(**1**) SI 1997/274 (N.I. 1) amended by the Construction Contracts (Amendment) Act (Northern Ireland) 2011 c4
(**2**) By Article 6(b) of, and Schedule 4,Part 2 to SR 1999/481
(**3**) SR 1999 No. 32
(**4**) Article 9A was inserted by section 6(4) of the Construction Contracts (Amendment) Act (Northern Ireland) 2011 c.4

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—

"(4) 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 Article 7A(2) of the 1997 Order, 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"(**5**).

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

"Subject to any contractual provision pursuant to Article 7A(2) of the 1997 Order, 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 sub-paragraphs (a) and (b), for the words "the date", substitute "receipt"; and

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

(8) In paragraph 20(b), for the words "Article 10(4)", substitute "Article 10(9)"(**6**).

(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.

(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—

"Subject to any contractual provision pursuant to Article 7A(2) of the 1997 Order, 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".

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.

(**5**) Article 7A was inserted by section 4 of the Construction Contracts (Amendment) Act (Northern Ireland) 2011 c.4

(**6**) Article 10 was substituted by section 7 of the Construction Contracts (Amendment) Act (Northern Ireland) 2011 c.4