

STATUTORY INSTRUMENTS

1997 No. 274

The Construction Contracts (Northern Ireland) Order 1997

Payment

Dates for payment

9.—(1) Every construction contract shall—

- (a) provide an adequate mechanism for determining what payments become due under the contract, and when, and
- (b) provide for a final date for payment in relation to any sum which becomes due.

The parties are free to agree how long the period is to be between the date on which a sum becomes due and the final date for payment.

[^{F1}(1A) The requirement in paragraph (1)(a) to provide an adequate mechanism for determining what payments become due under the contract, or when, is not satisfied where a construction contract makes payment conditional on—

- (a) the performance of obligations under another contract, or
- (b) a decision by any person as to whether obligations under another contract have been performed.

(1B) In paragraph (1A)(a) and (b) the references to obligations do not include obligations to make payments (but see Article 12).

(1C) Paragraph (1A) does not apply where—

- (a) the construction contract is an agreement between the parties for the carrying out of construction operations by another person, whether under sub-contract or otherwise, and
- (b) the obligations referred to in that paragraph are obligations on that other person to carry out those operations.

(1D) The requirement in paragraph (1)(a) to provide an adequate mechanism for determining when payments become due under the contract is not satisfied where a construction contract provides for the date on which a payment becomes due to be determined by reference to the giving to the person to whom the payment is due of a notice which relates to what payments are due under the contract.]

^{F2}(2)

(3) If or to the extent that a contract does not contain such provision as is mentioned in paragraph (1) ^{F3}..., the relevant provisions of the Scheme apply.

F1 Art. 9(1A)-(1D) inserted (14.11.2012) by [Construction Contracts \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 4\), ss. 5, 9\(2\)](#) (with s. 9(4)); S.R. 2012/367, art. 2

F2 Art. 9(2) repealed (14.11.2012) by [Construction Contracts \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 4\), ss. 6\(3\)\(a\), 9\(2\)](#) (with s. 9(4)); S.R. 2012/367, art. 2

F3 Words in art. 9(3) repealed (14.11.2012) by [Construction Contracts \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 4\), ss. 6\(3\)\(b\), 9\(2\)](#) (with s. 9(4)); S.R. 2012/367, art. 2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 9. (See end of Document for details)

Modifications etc. (not altering text)

C1 Art. 9(1A) excluded (14.11.2012) by [The Construction Contracts Exclusion Order \(Northern Ireland\) 2012 \(S.R. 2012/366\)](#), **arts. 1, 3**

Changes to legislation:

There are currently no known outstanding effects for the The Construction Contracts (Northern Ireland) Order 1997, Section 9.