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STATUTORY INSTRUMENTS

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**1997 No. 274**

**The Construction Contracts (Northern Ireland) Order 1997**

*Payment*

**[<sup>F1</sup>Payment notices: payee's notice in default of payer's notice**

**9B.**—(1) This Article applies in a case where, in relation to any payment provided for by a construction contract—

- (a) the contract requires the payer or a specified person to give the payee a notice complying with Article 9A(2) not later than 5 days after the payment due date, but
- (b) notice is not given as so required.

(2) Subject to paragraph (4), the payee may give to the payer a notice complying with Article 9A(3) at any time after the date on which the notice referred to in paragraph (1)(a) was required by the contract to be given.

(3) Where, pursuant to paragraph (2), the payee gives a notice complying with Article 9A(3), the final date for payment of the sum specified in the notice shall for all purposes be regarded as postponed by the same number of days as the number of days after the date referred to in paragraph (2) that the notice was given.

(4) If—

- (a) the contract permits or requires the payee, before the date on which the notice referred to in paragraph (1)(a) is required by the contract to be given, to notify the payer or a specified person of—
  - (i) the sum that the payee considers will become due on the payment due date in respect of the payment, and
  - (ii) the basis on which that sum is calculated, and
- (b) the payee gives such notification in accordance with the contract,

that notification is to be regarded as a notice complying with Article 9A(3) given pursuant to paragraph (2) (and the payee may not give another such notice pursuant to that paragraph).]

**F1** Art. 9A - Art. 9B inserted (14.11.2012) by [Construction Contracts \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 4\), ss. 6\(4\), 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 9B.