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BUILDING AND CONSTRUCTION INDUSTRY
SECURITY OF PAYMENT ACT
(CHAPTER 30B)

BUILDING AND CONSTRUCTION INDUSTRY
SECURITY OF PAYMENT (AMENDMENT)
REGULATIONS 2019

In exercise of the powers conferred by section 41(1) of the Building and Construction Industry Security of Payment Act, the Minister for National Development makes the following Regulations:

Citation and commencement

1. These Regulations are the Building and Construction Industry Security of Payment (Amendment) Regulations 2019 and come into operation on 15 December 2019.

Amendment of regulation 5

2. Regulation 5 of the Building and Construction Industry Security of Payment Regulations (Rg 1) (called in these Regulations the principal Regulations) is amended —

(a) by deleting paragraph (1) and substituting the following paragraphs:

“(1) Where a contract does not contain any provision specifying the time at which a payment claim must be served or by which such time may be determined, then a payment claim made under the contract must be served by the last day of —

(a) the month following the month in which the contract is made; or

(b) any subsequent month.

(1A) For the purposes of paragraph (1), only one payment claim made under a contract may be served in each month.”; and

(b) by inserting, immediately after paragraph (2), the following paragraph:

“(3) In this regulation, “month” means a period of time beginning on the first day of each of the 12 calendar months into which a year is divided, and ending on the last day of each of these months.”.

Amendment of regulation 7

3. Regulation 7(2A) of the principal Regulations is amended —

(a) by deleting the words “The adjudicator appointed under section 14 of the Act” and substituting the words “An adjudicator”; and

(b) by deleting the words “such amendments to be made to an adjudication application as he thinks fit” and substituting the words “any amendment to correct a clerical mistake in an adjudication application”.

Amendment of regulation 8

4. Regulation 8(1A) of the principal Regulations is amended —

(a) by deleting the words “The adjudicator appointed under section 14 of the Act” and substituting the words “An adjudicator”; and

(b) by deleting the words “such amendments to be made to an adjudication response as he thinks fit” and substituting the words “any amendment to correct a clerical mistake in an adjudication response”.

Amendment of regulation 10

5. Regulation 10 of the principal Regulations is amended —

(a) by deleting paragraph (1) and substituting the following paragraph:

“(1) A party to an adjudication is entitled to lodge an application for the review of the determination of the adjudicator under section 18 of the Act if —

- (a) the adjudicated amount exceeds the relevant response amount by at least \$100,000; or
- (b) the claimed amount exceeds the adjudicated amount by at least \$100,000.”;
- (b) by deleting the word “claimant” in paragraph (2)(a) and substituting the words “authorised nominating body”; and
- (c) by deleting sub-paragraphs (a) and (b) of paragraph (3) and substituting the following sub-paragraphs:
 - “(a) appoint one review adjudicator if —
 - (i) the adjudicated amount exceeds the relevant response amount by at least \$100,000 but less than \$1 million; or
 - (ii) the claimed amount exceeds the adjudicated amount by at least \$100,000 but less than \$1 million; or
 - (b) appoint a panel of 3 review adjudicators if —
 - (i) the adjudicated amount exceeds the relevant response amount by at least \$1 million; or
 - (ii) the claimed amount exceeds the adjudicated amount by at least \$1 million.”.

Amendment of regulation 11

6. Regulation 11 of the principal Regulations is amended —

- (a) by deleting sub-paragraphs (a) to (d) of paragraph (2) and substituting the following sub-paragraphs:

“(a) the person —

- (i) is an employee or a partner of the party;
- (ii) is a director or substantial shareholder of the party, where the party is a company or foreign company;
- (iii) is an employee, a director, a substantial shareholder or a partner of any corporation, partnership or limited liability partnership that owns or is owned by the party;
- (iv) is the sole proprietor of the party, where the party is a sole proprietorship; or
- (v) is a spouse, step-parent, stepchild, stepbrother or stepsister of the party,

at any time within the 3 years immediately preceding the date on which the adjudication application is lodged with an authorised nominating body;

- (b) the person is a child, parent or sibling of the party;
- (c) the person, or an affiliate of the person, has assisted the party to prepare any document for, or has provided any advice or service to, the party in relation to the contract or the construction project to which the contract relates.”; and

(b) by deleting paragraph (3) and substituting the following paragraph: