

**Building and Construction Industry Security of Payment Act
(CHAPTER 30B)**

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BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF

PAYMENT ACT

(CHAPTER 30B)

(Original Enactment: 57 of 2004)

REVISED EDITION 2006

(31st January 2006)

An Act to facilitate payments for construction work done or for related goods or services supplied in the building and construction industry, and for matters connected therewith.

[3rd January 2005: Sections 1, 28 and 40 ;

1st April 2005: Sections 2, 3, 4, 29 to 39, 41 and 42 and Parts II to V]

PART I

PRELIMINARY

Short title

1. This Act may be cited as the Building and Construction Industry Security of Payment Act.

Interpretation

2. In this Act, unless the context otherwise requires —

“adjudicated amount” means the amount of a progress payment that is determined to be payable under section 17 or 19, as the case may be;

“adjudication” means the adjudication of a payment claim dispute in accordance with Part IV, and includes an adjudication review under that Part;

“adjudication determination”, in relation to an adjudication, means the determination of the adjudicator;

“adjudication response” means a response to an adjudication application lodged by a respondent under section 15(1);

“adjudicator” means a person appointed under this Act to determine a payment claim dispute that has been referred for adjudication, and includes a review adjudicator or a panel of review adjudicators appointed under section 18(5)(b);

“authorised nominating body” means a person authorised under section 28(1);

“claimant” means a person who is or claims to be entitled to a progress payment under section 5;

“claimed amount” means the whole or part of any progress payment claimed by a claimant in a payment claim, and includes any interest payable under section 8(5);

“construction contract” means an agreement under which —

- (a) one party undertakes to carry out construction work, whether including the supply of goods or services or otherwise, for one or more other parties; or
- (b) one party undertakes to supply services to one or more other parties;

“construction site”, in relation to a contract between a claimant and a respondent, means —

- (a) the land on which or the premises at which the claimant has been, is or will be carrying out construction work; or
- (b) the land or the premises in relation to which goods or services have been, are being or will be supplied under the contract;

“contract” means a construction contract or a supply contract;

“costs”, in relation to an adjudication, includes —

- (a) the application fee payable to an authorised nominating body; and
- (b) the fees and expenses of the adjudicator;

“day” means any day other than a public holiday within the meaning of the Holidays Act (Cap. 126);

“due date”, in relation to a progress payment, means the date on which the progress payment becomes due and payable under section 8;

“land” has the same meaning as in section 4 of the Land Titles Act (Cap. 157);

“owner”, in relation to a contract between a claimant and a respondent, means —

- (a) a person who —
 - (i) enters into a contract, whether with the respondent or any other person, for the carrying out of construction work at or on, or for the supply of goods or services in relation to, the construction site concerned by the respondent or other