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PRESS RELEASE **10 October 2011**

NSCC Welcomes Changes To The Construction Act

NSCC is delighted that, after extensive lobbying, changes to the Construction Act have been brought into force which will make it easier for Specialist Contractors to get paid. The changes close the 'loopholes' in the original Act providing certainty of how much is due for payment and when, and NSCC has published easy to understand guidance to help Specialist Contractors get the most out of the new legislation by taking control of the payment process.

Under the new payment rules, which came into effect in England and Wales on 1 October 2011, both parties to a contract have to agree who is responsible for notifying the amount due for payment. If the Contractor doesn't issue the Payment Notice when he should, the Specialist Contractor can issue an application for what he is owed which will become the amount due unless the Contractor issues a Pay Less Notice stating otherwise. 'Pay when certified' clauses are now expressly prohibited so the Contractor cannot delay payment on the basis that he has not received a certificate from his Employer.

The new NSCC guidance, *Taking Control of the Payment Process*, focusses on the Contractor/ Specialist Contractor relationship and is presented in the order that the payment process unfolds with each step explained in plain English rather than the complex technical language of the Act.

Chairman of the NSCC Contracts Committee Justin Perry explains the importance of the changes for Specialist Contractors:

"Under the new Act, Specialist Contractors can step in and take control of the payment process if the Contractor doesn't do what he is supposed to do which is a huge benefit. By following the simple steps in the NSCC guidance, Specialist Contractors can be certain for every payment how much they are due and when and, if they do not receive it, it will be easier to do something about it such as suspending or going to adjudication."

NSCC continues to demand fair payment throughout the supply chain and there is a wealth of information on getting paid on the Fair Payment Campaign website at www.fairpaymentcampaign.co.uk.

~ Ends ~

For further information, contact NSCC:

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Notes to Editors:

1. The National Specialist Contractors' Council (NSCC) brings together the common aims of 32 specialist trade organisations within the construction industry and is the authoritative voice of 7,000 Specialist Contractors in the UK – www.nsc.org.uk.
2. The NSCC guidance on the Construction Act, *Taking Control of the Payment Process*, is available to download at <http://www.fairpaymentcampaign.co.uk/docs/TakingControlofthePaymentProcess-GuidanceontheConstruction%20Act.pdf>.
3. The amended Construction Act can be viewed at <http://www.legislation.gov.uk/ukpga/2009/20/part/8>.
4. The changes came into force in England and Wales on 1 October 2011 and will take effect in Scotland on 1 November 2011.
5. Further information on adjudication can be found at www.aica-adjudication.co.uk.