

## NEC3 Engineering and Construction Short Subcontract

### Amendments September 2011

The following amendments have been made to the June 2005 edition.

Contract Data page 5: reference to the *conditions of contract*; added “with amendments September 2011” after “June 2005”.

Page CC 13 of 13: the text is deleted and replaced with the following.

**If the United Kingdom Housing Grants, Construction and Regeneration Act 1996 as amended by the Local Democracy, Economic Development and Construction Act 2009 (the Act) applies to this contract, the following additional conditions apply.**

Definitions	1.1	(1) The payment due date for an application for payment by the <i>Subcontractor</i> is the <i>assessment day</i> which follows receipt of that application.  (2) The final date for payment is three weeks after payment due date.
Assessing the amount due	1.2	The <i>Subcontractor's</i> application for payment is the notice of payment specifying the sum that the <i>Subcontractor</i> considers to be due at the payment due date (the notified sum). The <i>Subcontractor's</i> application states the basis on which the amount is calculated and includes details of the calculation.
	1.3	The following replaces subclause 50.4  If the <i>Contractor</i> intends to pay less than the notified sum, he notifies the <i>Subcontractor</i> of the amount which the <i>Contractor</i> considers to be due not later than seven days (the prescribed period) before the final date for payment. The <i>Contractor's</i> notification states the basis on which the amount is calculated and includes details of the calculation. A Party pays the notified sum unless he has notified his intention to pay less than the notified sum.
Compensation event	1.4	If the <i>Subcontractor</i> exercises his right under the Act to suspend performance, it is a compensation event.
The adjudication	1.5	The following replaces subclause 93.3(1)  A Party may issue to the other Party a notice of his intention to refer a dispute to adjudication at any time. He refers the dispute to the <i>Adjudicator</i> within one week of the notice.
	1.6	The <i>Adjudicator</i> may in his decision allocate his fees and expenses between the Parties.

- 1.7 The *Adjudicator* may, within five days of giving his decision to the Parties, correct the decision to remove a clerical or typographical error arising by accident or omission.
- 1.8 If the *Adjudicator's* decision changes an amount notified as due, payment of the sum decided by the *Adjudicator* is due not later than seven days from the date of the decision or the final date for payment of the notified amount, whichever is the later.