

Consultation
on proposals to amend the Scheme for
Construction Contracts in Northern Ireland
Regulations (Northern Ireland) 1999

February 2012

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1 Introduction

- 1.1 This consultation concerns amendments now proposed to be introduced to the Scheme for Construction Contracts in Northern Ireland Regulations (Northern Ireland) 1999. These Regulations were made pursuant to the Construction Contracts (Northern Ireland) Order 1997. This Order has now, however, been amended by the Construction Contracts (Amendment) Act (Northern Ireland) 2011 and some of these newly enacted changes necessitate consequential amendments to the Scheme before the 2011 Act can become effective.
- 1.2 The 1997 Order, which is solely concerned with construction contracts, contains the following measures:
- that each party to a construction contract has the right under law to refer a dispute to adjudication and requires parties to include terms in their contract relating to adjudication that comply with Article 7 (2) to (4);
 - that contractors are entitled to stage payments (Article 8);
 - that contracts should have an “adequate mechanism” for determining what should be paid and when (Article 9(1)); and
 - that the payer should issue a notice in advance of each payment of the sum he proposes to pay (Article 9(2)).
- 1.3 Where a construction contract does not comply with these requirements, the relevant terms of the Scheme for Construction Contracts in Northern Ireland Regulations (Northern Ireland) 1999 (the Scheme) will apply by default and have effect as implied terms of that contract.
- 1.4 The Construction Contracts (Amendment) Act (Northern Ireland) 2011, while maintaining its broad principles, makes a number of changes to the payment and adjudication provisions of the 1997 Order so requiring some consequential amendments to the 1999 Scheme. The purpose of this consultation is to seek views on the consequential amendments now proposed. The draft amending Regulations are set out in Annex A.

Date of issue: 9 February 2012

Date for return: 2 May 2012

2 Context

- 2.1 The Construction Contracts (Northern Ireland) Order 1997 closely replicated provisions in GB set out in Part 8 of the Housing Grants Construction Regeneration Act 1996 ~ known as the Construction Act. The public consultation carried out in Northern Ireland in 2009 on DFP's proposals to amend the 1997 Order revealed emphatic support for DFP's aim of maintaining parity with the legislative position in GB. In accordance with this principle, the amendments to the 1996 Construction Act, which are set out in Part 2 of the Local Democracy Economic Development and Construction Act 2009, are also closely followed in the Construction Contracts (Amendment) Act (Northern Ireland) 2011.
- 2.2 The proposals in this paper are solely focused on the Scheme and follow as a result of the changes which have been made to the 1997 Order under the 2011 Act.
- 2.3 While there is no survey of opinion in Northern Ireland as to the operation of the Scheme here to date, there is consensus across the industry in GB that the Scheme there, generally, has worked well. Given that broad consensus, we have therefore decided to work very closely within the existing Scheme framework. The general approach we have taken is to suggest amendments only where necessary to reflect the changes which are indicated by the 2011 Act.

3 The Proposals

- 3.1 Our proposals fall into three main areas: adjudication costs, the “slip rule” (the adjudicator’s power to make corrections) and payment notices.

ADJUDICATION COSTS

What the Order says now:

- 3.2 New Article 7A of the Order provides that any contractual provision by the parties concerning the costs of adjudication is ineffective except in two cases. The first is where the contractual provision is in writing and allows the adjudicator to allocate his fees and expenses between the parties. The second is where the provision is made in writing and after the issue of the notice of intention to seek adjudication.

What the Scheme says currently:

- 3.3 The Scheme currently makes provisions relating to the fees and expenses of the adjudicator. These are contained in Part 1 paragraphs 9(4), 11(1) and 25. These entitle the adjudicator to payment of reasonable fees and expenses and make the parties jointly and severally liable for any outstanding sum following any determination on how payment shall be apportioned.

Our proposals:

- 3.4 Under a revised Scheme we propose to:
- provide for the adjudicator to be entitled to his reasonable fees and expenses;
 - allow the adjudicator to determine how the payment is to apportioned;
 - make the parties jointly and severally liable for any sum which remains outstanding following the adjudicator’s determination;

subject to any valid agreement under new Article 7A(2) to the contrary.

- 3.5 A draft for an amending Regulation is included at Annex A and this, at paragraphs 3 (4), (5) and (13), illustrates how these measures might be drafted.

Question

- Q1 Do you believe it appropriate and necessary for the Scheme to contain a provision allowing the adjudicator to apportion his fees and expenses between the parties to a dispute?

THE “SLIP RULE” – (ADJUDICATOR’S POWER TO MAKE CORRECTIONS)

What the Order says now:

- 3.6 New Article 7(3A) of the Order requires parties to a construction contract to provide in their contract that the adjudicator has the power to correct a clerical or typographical error in his decision. The provision must be in writing. Where there is no such provision in a contract, any contractual procedures as are included will be set aside and the Scheme will apply as implied contractual terms.

What the Scheme currently says:

- 3.7 The Scheme currently contains no provision allowing the adjudicator to correct errors.
- 3.8 In the absence of any instructions from the adjudicator to the contrary, paragraph 21 of Part 1 of the Scheme requires that the adjudicator’s decision should be complied with immediately.

Our proposals:

- 3.9 The Scheme needs to be revised to include a “slip rule”. New Article 7(3A) of the Order clearly defines the scope of any such provision. The adjudicator is permitted to “correct his decision so as to remove a clerical or typographical error arising by accident or omission”.
- 3.10 Under a revised Scheme we therefore propose to insert a new paragraph which:
- allows an adjudicator to correct errors (as defined by the Order) in his decision on his own initiative or at the request of one of the parties and
 - requires him to do so within 5 days of publication of the decision.
- 3.11 Paragraph 3 (7) of the draft amending Regulation at Annex A illustrates how this might be drafted.

Questions

- Q2 Do you believe 5 Days is an adequate period to allow for the correction of errors? If not, what would you suggest is an appropriate period and why?

PAYMENT NOTICES

What the Order says now:

- 3.12 New Article 9A of the Order provides that a construction contract must contain a provision to the effect that a “payment notice” setting out the sum considered due must be given by the person as agreed between the parties – i.e. the payer, the payee or a third party (e.g. an architect).
- 3.13 New Article 9B sets out a default mechanism which allows the payee to give the payer a “payment notice” where the payer has omitted to do so.
- 3.14 New Article 10 introduces a requirement to pay the sum set out in the “payment notice”. It also makes provision requiring the payer to give notice to the other party if he intends to pay less than that sum.

What the Scheme currently says:

- 3.15 Paragraph 9 of Part 2 of the Scheme requires the payer, within 5 days of a payment becoming due, to give notice to the other party specifying the amount he intends to pay and the basis on which it has been calculated.
- 3.16 Paragraph 10 of Part 2 of the Scheme requires that any notice to withhold payment shall be given not later than 7 days before the final date for payment.

Our proposals:

- 3.17 The Scheme needs to be revised to reflect the new “payment notice” framework. We are therefore proposing to delete the existing paragraphs 9 and 10.
- 3.18 The intention is to replace paragraph 9 with provisions which, in relation to every payment provided for by the contract, require:
- the payer to issue the “payment notice”, not later than 5 days after the payment due date;

- that the notice should set out the sum the payer considers to be due and the basis on which that sum is calculated; and
- that the notice should be issued even if the sum is zero;

and paragraph 10 with provisions which require:

- the notice of intention to pay less is to be given not later than 7 days before the final date for payment.

3.19 Paragraph 4 of the draft amending Regulation at Annex A illustrates how this might be drafted.

Questions

- Q3 Do you agree that, paragraphs 9 and 10 aside, the Scheme requires no further amendment consequent to the changes to the Act's payment framework? If not, would you set out what further amendments you believe to be necessary and explain why?
- Q4 Do you believe it is the right approach to continue with "payer-led" payment notice procedures in the Scheme provisions? Please give the reasons for your answer.
- Q5 Do you agree that the Scheme should require the "intention to pay less" notice to be issued 7 days before the final date for payment?

4 Impact assessment

- 4.1 This consultation document does not include an impact assessment. The proposed changes to the Scheme set out in this document are consequential to the changes introduced to the 1997 Order by the Construction Contracts (Amendment) Act (Northern Ireland) 2011. The issues are covered in the impact assessment for that Act.
- 4.2 This is included in DFP's April 2009 public consultation document on its proposals to amend the Construction Contracts (Northern Ireland) Order 1997 and the Scheme for Construction Contracts in Northern Ireland Regulations (Northern Ireland) 1999: *Improving Payment Practices in the Construction Industry in Northern Ireland* and can be found in the consultation zone of the Department of Finance and Personnel website at:
- <http://www.dfpni.gov.uk/index/about-us/consultation-zone.htm>
- 4.3 The changes proposed for the Scheme do not bring any additional costs or deliver any additional benefits beyond those which were included in that Impact Assessment.

5 The seven consultation criteria and this consultation

- 5.1 This consultation document and consultation process have been planned to adhere to the Code of Practice on Consultation issued by the Better Regulation Executive (BRE) in the Department for Business, Innovation and Skills (BIS) and is in line with the seven consultation criteria, which are:
 - 5.1.1 Formal consultation should take place at a stage when there is scope to influence the policy outcome;
 - 5.1.2 Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible;
 - 5.1.3 Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals;
 - 5.1.4 Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach;
 - 5.1.5 Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained;
 - 5.1.6 Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation;
 - 5.1.7 Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.
- 5.2 Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.
- 5.3 Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004).
- 5.4 If you want the information that you provide to be treated as confidential, please be aware that, under the Freedom of Information Act, there is a statutory Code of Practice with which public authorities

must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

The Department of Finance and Personnel will process your personal data in accordance with the Data Protection Act and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

- 5.5 Individual responses will not be acknowledged unless specifically requested.
- 5.6 Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

6 Responding to this Consultation Paper

- 6.1 We are inviting your written responses to our proposals to amend The Scheme for Construction Contracts in Northern Ireland (Northern Ireland) Regulations 1999. Responses must be submitted by **2 May 2012**.
- 6.2 The consultation response form is included at Annex B. Respondents are asked to indicate clearly in their response which questions, or parts of the consultation paper, to which they are responding, as this will greatly aid our analysis. Where a particular issue or proposal is of specific interest or concern, respondents are encouraged to feel free to make as many additional comments or suggestions as they may feel is appropriate.

Handling your response

- 6.3 The Department of Finance and Personnel will publish a summary of responses following the completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can refuse to disclose information only in exceptional circumstances.
- 6.4 When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of an organisation, please make it clear which organisation you are representing.
- 6.5 Though we cannot respond individually to each submission, we will publish an analysis of the consultation following completion of this exercise.

What happens next?

- 6.6 Following the closing date, all responses will be analysed and considered along with any other available evidence to help us reach a decision on the introduction of the proposed amendments to The Scheme for Construction Contracts in Northern Ireland. We aim to issue a report on this consultation process by the end of May 2012.

Response address

The response form at Annex B can be downloaded from the consultation pages of the Department of Finance and Personnel website:

<http://www.dfpni.gov.uk/index/about-us/consultation-zone.htm>

Alternatively you can respond by letter or fax to:

*Department of Finance and Personnel
Central Procurement Directorate
Construction Legislation Branch
Clare House
303 Airport Road West
Belfast
BT3 9ED*

Fax: 028 9081 6555

E-mail: consult.constructorder@dfpni.gov.uk

We will not be able to accept responses after the consultation deadline.

Additional copies

You may make copies of this document without seeking permission, or by downloading from the consultation zone of the Department of Finance and Personnel website:

<http://www.dfpni.gov.uk/index/about-us/consultation-zone.htm>

Comments and Complaints

If you have any other observations, or wish to make a complaint about the substance or conduct of this consultation exercise, please contact:

Business Planning and Co-ordination Branch,
Central Procurement Directorate,
Department of Finance and Personnel,
Clare House,
303, Airport Road West,
Belfast.
BT3 9ED

E-mail: Co-ordinationteam.CPD@dfpni.gov.uk

Annex A: Draft Regulations

Draft Regulations laid before the Northern Ireland Assembly under Article 16(2) of the Construction Contracts (Northern Ireland) Order 1997, for approval by affirmative resolution.

D R A F T

S T A T U T O R Y R U L E S O F N O R T H E R N I R E L A N D

2012 No. xxxx

CONSTRUCTION

The Scheme for Construction Contracts in Northern Ireland (Amendment) Regulations (Northern Ireland) 2012

<i>Made</i>	- - - -	***
<i>Laid before the Northern Ireland Assembly</i>		***
<i>Coming into operation</i>	-	***

The Department of Finance and Personnel, in exercise of the powers conferred by Articles 7(6), 13(1) and 16(1) of the Construction Contracts (Northern Ireland) Order 1997(1) (“the 1997 Order”) and now vested in it (2) makes the following Regulations.

Before making these Regulations, the Department of Finance and Personnel has consulted in accordance with Article 13(2) of the 1997 Order.

In accordance with Article 16(2) of the 1997 Order, a draft of these Regulations was laid before the Northern Ireland Assembly and approved by affirmative resolution.

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Scheme for Construction Contracts in Northern Ireland (Amendment) Regulations (Northern Ireland) 2012 and come into operation on XX XXXX XXXX.

(2) These Regulations only apply to construction contracts entered into after the coming into operation of these Regulations.

(3) In these Regulations, “the Principal Regulations” means the Scheme for Construction Contracts in Northern Ireland Regulations (Northern Ireland) 1999(3).

¹ SI 1997/274 (N.I. 1) amended by the Construction Contracts (Amendment) Act (Northern Ireland) 2011 c4

² By Article 6(b) of, and Schedule 4, Part 2 to SR 1999/481

³ SI 1999/NI 32

Amendment to regulation 3 of the Principal Regulations

2. In paragraph (b) of regulation 3 of the Principal Regulations, for “Article 9”, substitute “Article 9 or Article 9A”(4).

Amendments to Part 1 (Adjudication) of the Schedule to the Principal Regulations

3.—(1) Part 1 (Adjudication) of the Schedule to the Principal Regulations is amended as follows.

- (2) In paragraph 1(1), before the words “of his intention”, insert the words “at any time”.
- (3) After paragraph 7(3) insert—
 - “(4) Upon receipt of the referral notice, the adjudicator must inform every party to the dispute of the date that it was received”.
- (4) In paragraph 9(4), for the second sentence substitute—

“Subject to any contractual provision pursuant to Article 7A(2) of the 1997 Order, the adjudicator may determine how the payment is to be apportioned and the parties are jointly and severally liable for any sum which remains outstanding following the making of any such determination”(5).
- (5) In paragraph 11(1), for the third sentence substitute—

“Subject to any contractual provision pursuant to Article 7A(2) of the 1997 Order, the adjudicator may determine how the payment is to be apportioned and the parties are jointly and severally liable for any sum which remains outstanding following the making of any such determination”.
- (6) In paragraph 15(b)—
 - (a) insert the word “the” after the word “as”; and
 - (b) for the words “be justified”, substitute “justify”.
- (7) In paragraph 19(1)—
 - (a) in sub-paragraphs (a) and (b), for the words “the date”, substitute “receipt”; and
 - (b) in sub-paragraph (c), insert the words “receipt of” after the word “after”.
- (8) In paragraph 20(b), for the words “Article 10(4)”, substitute “Article 10(9)”(6).
- (9) In paragraph 21, omit the words “in accordance with this paragraph”.
- (10) After paragraph 22 insert—

“**22A.**—(1) The adjudicator may on his own initiative or on the application of a party correct his decision so as to remove a clerical or typographical error arising by accident or omission.

(2) Any correction of a decision must be made within five days of the delivery of the decision to the parties.

(3) As soon as possible after correcting a decision in accordance with this paragraph, the adjudicator must deliver a copy of the corrected decision to each of the parties.

(4) Any correction of a decision forms part of the decision.”
- (11) Omit paragraph 23(1).
- (12) Omit paragraph 24.

4 Article 9A was inserted by section 6(4) of the Construction Contracts (Amendment) Act (Northern Ireland) 2011 c.4

5 Article 7A was inserted by section 4 of the Construction Contracts (Amendment) Act (Northern Ireland) 2011 c.4

6 Article 10 was substituted by section 7 of the Construction Contracts (Amendment) Act (Northern Ireland) 2011 c.4

(13) In paragraph 25, for the second sentence substitute—

“Subject to any contractual provision pursuant to Article 7A(2) of the 1997 Order, the adjudicator may determine how the payment is to be apportioned and the parties are jointly and severally liable for any sum which remains outstanding following the making of any such determination”.

Amendments to Part 2 (Payment) of the Schedule to the Principal Regulations

4.—(1) Part 2 (Payment) of the Schedule to the Principal Regulations is amended as follows.

(2) In paragraph 5—

- (a) omit the words “the expiry of”; and
- (b) insert the words “the expiry of” before the words “30 days following the completion of the work”.

(3) For paragraph 9, substitute—

“Payment notice

9.—(1) Where the parties to a construction contract fail, in relation to a payment provided for by the contract, to provide for the issue of a payment notice pursuant to Article 9A(1) of the 1997 Order, the provisions of this paragraph apply.

(2) The payer must, not later than five days after the payment due date, give a notice to the payee complying with sub-paragraph (3).

(3) A notice complies with this sub-paragraph if it specifies the sum that the payer considers to be due or to have been due at the payment due date and the basis on which that sum is calculated.

(4) For the purposes of this paragraph, it is immaterial that the sum referred to in sub-paragraph (3) may be zero.

(5) A payment provided for by the contract includes any payment of the kind mentioned in paragraphs 2, 5, 6, or 7 above.”

(4) For paragraph 10, substitute—

“Notice of intention to pay less than the notified sum

10. Where, in relation to a notice of intention to pay less than the notified sum mentioned in Article 10(3) of the 1997 Order, the parties fail to agree the prescribed period mentioned in Article 10(5), that notice must be given not later than seven days before the final date for payment determined either in accordance with the construction contract, or where no such provision is made in the contract, in accordance with paragraph 8 above.”

Sealed with the Official Seal of the Department of Finance and Personnel on

[Date]

[]

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Scheme for Construction Contracts in Northern Ireland Regulations (Northern Ireland) 1999 (“the Scheme”), in part to reflect changes made to the relevant primary legislation, the Construction Contracts (Northern Ireland) Order 1997: SI 1997 No 274 (N.I. 1) (“the 1997 Order”), by the Construction Contracts (Amendment) Act (Northern Ireland) 2011 c.4.

Where the parties to a construction contract fail to make provision in their contract for one or more of various terms relating to “adjudication” (a dispute resolution procedure which the 1997 Order introduced as regards disputes under construction contracts), the provisions of Part 1 of the Schedule to the Scheme have effect (as implied terms of the parties’ contract).

Regulation 3(3) inserts a new provision into the Scheme with the effect that, upon a dispute being referred to an adjudicator, the adjudicator is to inform the parties to the contract of the date of the referral.

Broadly similar provisions relating to the fees and expenses of an adjudicator are amended by Regulation 3(4), (5) and (13). The effect of these amendments is to ensure that the adjudicator’s ability to look to both parties to the construction contract for the payment of the adjudicator’s fees and expenses is subject to any valid (express) contractual provision to the contrary. (See Article 7A of the 1997 Order as amended which, though it provides that most express contractual provision as regards the allocation of adjudication costs will be ineffective, exempts provision whereby the parties agree that the adjudicator can allocate his or her costs between the parties.)

Regulation 3(7) amends paragraph 19(1) of the Scheme to clarify that the period within which an adjudicator must reach a decision regarding a dispute begins when the adjudicator receives the referral.

Regulation 3(10) introduces a new provision into the Scheme to the effect that adjudicators have the power to correct (in various circumstances) minor errors in their decisions. Any such corrections must be made within five days of the relevant decision.

Regulation 3(11) and (12) repeals provisions allowing for peremptory decisions on the part of adjudicators.

Regulation 4 amends Part 2 of the Schedule to the Scheme. Part 2 of the Schedule to the Scheme concerns “payments” and implies into the contract provisions relating to payments to the extent that express terms are absent or deficient.

Article 9A of the 1997 Order as amended provides that a construction contract must contain a provision to the effect that a “payment notice” (setting out, in relation to every payment, the sum considered due) must be given by the person whom the parties have agreed - the payer, the payee or certain other persons. Where the parties have failed to make express provision in their contract as to who is to give such notices, regulation 4(3) substitutes a new paragraph 9 of Part 2 of the Schedule to the Scheme with the effect that this is the payer’s responsibility.

Article 10 of the 1997 Order as amended introduces a requirement to pay the sum set out in such “payment notices” (whether given pursuant to express terms in the parties’ contract or by virtue of new paragraph 9 of Part 2 of the Schedule to the Scheme). It also makes provision for the sum in such a notice to be challenged or revised by the giving of a type of counter-notice – a notice of intention to pay less than the notified sum. Regulation 4(4) substitutes a new paragraph 10 of Part 2 of the Schedule and thereby makes provision for the timing of such a counter-notice where the parties have failed to agree on this.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector was included in the Department of Finance and Personnel consultation document on its proposals to amend the Construction Contracts (Northern Ireland) Order 1997 and the Scheme for Construction Contracts in Northern Ireland Regulations (Northern Ireland) 1999: Improving Payment Practices in the Construction Industry in Northern Ireland

April 2009 and can be found in the consultation zone of the Department of Finance and Personnel website at:

<http://www.dfpni.gov.uk/index/about-us/consultation-zone.htm>

The changes proposed for the Scheme do not bring any additional costs or deliver any additional benefits beyond those which were included in that Impact Assessment.

Department of Finance and Personnel

Consultation
on proposals to amend the Scheme for
Construction Contracts in Northern Ireland
Regulations (Northern Ireland) 1999

February 2012

Consultation Response Form

Date for Return 2 May 2012

Consultation Response Form

We should be grateful if you would answer these questions on the proposals in this consultation paper. Please give reasons for your answers where you consider it may be helpful. You should also feel free to suggest alternative approaches or make whatever additional comments or suggestions you think are appropriate.

Name	
Organisation	
Address	
Telephone	
E-mail	

Responses Please send responses and any questions about the policy issues raised in this consultation exercise to:

Robin McKelvey
Central Procurement Directorate,
Department of Finance and Personnel,
Clare House,
303, Airport Road West,
Belfast.
BT3 9ED

E-mail: robin.mckelvey@dfpni.gov.uk
Tel : 028 9081 6483
Fax : 028 9081 6555

Return Date **2 May 2012**

PROPOSED AMENDMENTS

Adjudication costs

Q1	Do you believe it appropriate and necessary for the Scheme to contain provision allowing the adjudicator to apportion his fees and expenses between the parties to a dispute?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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If you wish, please add any further comments in the box below:

The “slip rule” ~ Adjudicator’s power to make corrections

Q2	Do you believe 5 days is an adequate period to allow for the correction of errors? If not, what would you suggest is an appropriate period and why?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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If you wish, please add any further comments in the box below:

Payment notices

Q3	Do you agree that, paragraphs 9 and 10 aside, the Scheme requires no further amendment consequent to the changes to the Order's payment framework? If not, would you set out what further amendments you believe to be necessary and explain why?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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If you wish, please add any further comments in the box below:

Q4	Do you believe it is the right approach to continue with "payer-led" payment notice procedures in the Scheme provisions? Please give reasons for your answer.	<input type="checkbox"/> Yes <input type="checkbox"/> No
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If you wish, please add any further comments in the box below:

Q5	Do you agree that the Scheme should require the "intention to pay less" notice to be issued 7 days before the final date for payment?	<input type="checkbox"/> Yes <input type="checkbox"/> No
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If you wish, please add any further comments in the box below: