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

**BUILDING AND CONSTRUCTION INDUSTRY
SECURITY OF PAYMENT (AMENDMENT)
REGULATIONS 2012**

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

Citation and commencement

1. These Regulations may be cited as the Building and Construction Industry Security of Payment (Amendment) Regulations 2012 and shall come into operation on 1st December 2012.

Amendment of regulation 7

2. Regulation 7 of the Building and Construction Industry Security of Payment Regulations (Rg 1) (referred to in these Regulations as the principal Regulations) is amended by inserting, immediately after paragraph (2), the following paragraph:

“(2A) The adjudicator appointed under section 14 of the Act may, at any time before the making of the determination and on such terms as to costs or otherwise as he thinks just, allow such amendments to be made to an adjudication application as he thinks fit.”.

Amendment of regulation 8

3. Regulation 8 of the principal Regulations is amended by inserting, immediately after paragraph (1), the following paragraph:

“(1A) The adjudicator appointed under section 14 of the Act may, at any time before the making of the determination and on such terms as to costs or otherwise as he thinks just, allow such amendments to be made to an adjudication response as he thinks fit.”.

Amendment of regulation 12

4. Regulation 12 of the principal Regulations is amended —
- (a) by deleting “\$500” in paragraph (a)(i) and substituting “\$600”;
 - (b) by deleting “\$1,000” in paragraph (a)(ii) and substituting “\$1,200”;
 - (c) by deleting the word “and” at the end of paragraph (a)(ii); and
 - (d) by deleting paragraph (b) and substituting the following paragraphs:
 - “(b) the fee payable to an adjudicator (excluding a review adjudicator or a panel of review adjudicators) shall be computed on the basis of a rate not exceeding \$300 per hour or \$2,400 per day, and shall not exceed in the aggregate the following maximum amount:
 - (i) where the claimed amount exceeds \$24,000, 10% of the claimed amount; or
 - (ii) in any other case, \$2,400; and
 - (c) the fee payable to a review adjudicator or a panel of review adjudicators shall be computed on the basis of a rate not exceeding \$300 per hour or \$2,400 per day, and shall not exceed in the aggregate the following maximum amount:
 - (i) where the claimed amount exceeds \$24,000, 10% of the claimed amount; or
 - (ii) in any other case, \$2,400.”.

New regulations 13 and 14

5. The principal Regulations are amended by inserting, immediately after regulation 12, the following regulations:

“Deposit for adjudicator’s fees for adjudication proceedings

13.—(1) An authorised nominating body may require the claimant to pay an initial deposit in respect of the fees payable to the adjudicator for the adjudication proceedings, and such initial deposit shall be paid at the time of lodgment of the adjudication application.

(2) Where the adjudicator requests a longer period for making a determination on an application and both the claimant and the respondent agree to that longer period under section 17(1)(b) of the Act, the adjudicator shall immediately inform the authorised nominating body —

- (a) of such part, if any, of the claimant's initial deposit that is in excess of his accrued fees for the adjudication; and
- (b) to what extent an additional deposit (if any) by the claimant is required in respect of the adjudicator's fees for the additional days to be taken for the adjudication during the longer period,

and the authorised nominating body may require the claimant to pay the additional deposit (if any) within 3 days after being required to do so.

(3) The initial deposit referred to in paragraph (1) shall not exceed —

- (a) \$2,400 where the claimed amount does not exceed \$24,000; or
- (b) where the claimed amount exceeds \$24,000, 10% of the claimed amount or \$33,600, whichever is the lower.

(4) The initial deposit and the additional deposit referred to in paragraphs (1) and (2) respectively shall not exceed in the aggregate —

- (a) \$2,400 where the claimed amount does not exceed \$24,000; or
- (b) where the claimed amount exceeds \$24,000, 10% of the claimed amount.

(5) In the event the additional deposit is not fully paid within the time limit referred to in paragraph (2), the claimant is deemed to have withdrawn his agreement to the longer period for making a determination and the adjudicator shall determine the application forthwith.

Deposit for review adjudicator's fees for adjudication review proceedings

14.—(1) An authorised nominating body may require the respondent to pay an initial deposit in respect of the fees payable to the review adjudicator or panel of review adjudicators, as

the case may be, for the adjudication review proceedings, and such initial deposit shall be paid at the time of lodgment of the adjudication review application.

(2) Where the review adjudicator or panel of review adjudicators, as the case may be, requests a longer period for making a determination on an application and both the claimant and the respondent agree to that longer period under section 19(3) of the Act, the review adjudicator or panel of review adjudicators, as the case may be, shall immediately inform the authorised nominating body —

- (a) of such part, if any, of the respondent's initial deposit that is in excess of the accrued fees for the adjudication review; and
- (b) to what extent an additional deposit (if any) by the respondent is required in respect of the fees of the review adjudicator or panel of review adjudicators, as the case may be, for the additional days to be taken for the adjudication review during the longer period,

and the authorised nominating body may require the respondent to pay the additional deposit (if any) within 3 days after being required to do so.

(3) The initial deposit referred to in paragraph (1) shall not exceed —

- (a) \$2,400 where the claimed amount does not exceed \$24,000; or
- (b) where the claimed amount exceeds \$24,000, 10% of the claimed amount or \$33,600, whichever is the lower.

(4) The initial deposit and additional deposit referred to in paragraphs (1) and (2) respectively shall not exceed in the aggregate —

- (a) \$2,400 where the claimed amount does not exceed \$24,000; or
- (b) where the claimed amount exceeds \$24,000, 10% of the claimed amount.

(5) In the event the additional deposit is not fully paid within the time limit referred to in paragraph (2), the respondent is deemed to have withdrawn his agreement to the longer period for making a determination, and the review adjudicator or panel

of review adjudicators, as the case may be, shall determine the application forthwith.”.

Made this 18th day of September 2012.

BENNY LIM
Permanent Secretary,
Ministry of National Development,
Singapore.

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