



# Housing Grants, Construction and Regeneration Act 1996

## 1996 CHAPTER 53

### PART II

#### CONSTRUCTION CONTRACTS

##### *Supplementary provisions*

#### **114 The Scheme for Construction Contracts.**

- (1) The Minister shall by regulations make a scheme (“the Scheme for Construction Contracts”) containing provision about the matters referred to in the preceding provisions of this Part.
- (2) Before making any regulations under this section the Minister shall consult such persons as he thinks fit.
- (3) In this section “the Minister” means—
  - (a) for England and Wales, the Secretary of State, and
  - (b) for Scotland, the Lord Advocate.
- (4) Where any provisions of the Scheme for Construction Contracts apply by virtue of this Part in default of contractual provision agreed by the parties, they have effect as implied terms of the contract concerned.
- (5) Regulations under this section shall not be made unless a draft of them has been approved by resolution of each House of Parliament.

#### **Modifications etc. (not altering text)**

- C1** **S. 114:** Functions of the Lord Advocate transferred to the Secretary of State, and all property, rights and liabilities to which the Lord Advocate is entitled or subject in connection with any such function

**Changes to legislation:** There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Cross Heading: Supplementary provisions. (See end of Document for details)

transferred to the Secretary of State for Scotland (19.5.1999) by S.I. 1999/678, arts. 2, 3, **Sch.** (with art. 7)

#### Commencement Information

- I1** S. 114 wholly in force; s. 114 not in force at Royal Assent see s. 150; s. 114 in force for certain purposes at 11.9.1996 by S.I. 1996/2352, **art. 2(2)**; s. 114 in force insofar as not already in force at 1.5.1998 by (E.W.) S.I. 1998/650, **art. 2** and (S.) S.I. 1998/894, **art. 2**

### 115 Service of notices, &c.

- (1) The parties are free to agree on the manner of service of any notice or other document required or authorised to be served in pursuance of the construction contract or for any of the purposes of this Part.
- (2) If or to the extent that there is no such agreement the following provisions apply.
- (3) A notice or other document may be served on a person by any effective means.
- (4) If a notice or other document is addressed, pre-paid and delivered by post—
  - (a) to the addressee’s last known principal residence or, if he is or has been carrying on a trade, profession or business, his last known principal business address, or
  - (b) where the addressee is a body corporate, to the body’s registered or principal office,
 it shall be treated as effectively served.
- (5) This section does not apply to the service of documents for the purposes of legal proceedings, for which provision is made by rules of court.
- (6) References in this Part to a notice or other document include any form of communication in writing and references to service shall be construed accordingly.

#### Commencement Information

- I2** S. 115 wholly in force; s. 115 not in force at Royal Assent see s. 150; s. 115 in force at 1.5.1998 by (E.W.) S.I. 1998/650, **art. 2** and (S.) S.I. 1998/894, **art. 2**

### 116 Reckoning periods of time.

- (1) For the purposes of this Part periods of time shall be reckoned as follows.
- (2) Where an act is required to be done within a specified period after or from a specified date, the period begins immediately after that date.
- (3) Where the period would include Christmas Day, Good Friday or a day which under the <sup>MI</sup>Banking and Financial Dealings Act 1971 is a bank holiday in England and Wales or, as the case may be, in Scotland, that day shall be excluded.

#### Commencement Information

- I3** S. 116 wholly in force; s. 116 not in force at Royal Assent see s. 150; s. 116 in force at 1.5.1998 by (E.W.) S.I. 1998/650, **art. 2** and (S.) S.I. 1998/894, **art. 2**

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**Changes to legislation:** There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Cross Heading: Supplementary provisions. (See end of Document for details)

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**Marginal Citations**

**M1** 1971 c. 80.

**117 Crown application.**

- (1) This Part applies to a construction contract entered into by or on behalf of the Crown otherwise than by or on behalf of Her Majesty in her private capacity.
- (2) This Part applies to a construction contract entered into on behalf of the Duchy of Cornwall notwithstanding any Crown interest.
- (3) Where a construction contract is entered into by or on behalf of Her Majesty in right of the Duchy of Lancaster, Her Majesty shall be represented, for the purposes of any adjudication or other proceedings arising out of the contract by virtue of this Part, by the Chancellor of the Duchy or such person as he may appoint.
- (4) Where a construction contract is entered into on behalf of the Duchy of Cornwall, the Duke of Cornwall or the possessor for the time being of the Duchy shall be represented, for the purposes of any adjudication or other proceedings arising out of the contract by virtue of this Part, by such person as he may appoint.

**Commencement Information**

**I4** S. 117 wholly in force; s. 117 not in force at Royal Assent see s. 150; s. 117 in force at 1.5.1998 by (E.W.) S.I. 1998/650, art. 2 and (S.) S.I. 1998/894, art. 2

**Changes to legislation:**

There are currently no known outstanding effects for the Housing Grants, Construction and Regeneration Act 1996, Cross Heading: Supplementary provisions.