

CLIENT PRACTICE NOTE

SIA 9TH EDITION CONDITIONS OF BUILDING CONTRACT – WHAT IS NEW?

A Client Practice Note

by Eugenie Lip, Contracts Director and Head of KPK Contracts Support Group

INTRODUCTION

229. *If a builder build a house for some one, and does not construct it properly, and the house which he built fall in and kill its owner, then that builder shall be put to death.*
232. *If it ruin goods, he shall make compensation for all that has been ruined, and inasmuch as he did not construct properly his house which he built and it fell, he shall re-erect the house from his own means.*
233. *If a builder build a house for some one, even though he has not yet completed it; if then the walls seem toppling, the builder must make the walls solid from his own means.”*

– Code of Laws of King Hammurabi (ca. 1760 BC)

These extracts from the well-preserved ancient Code of Hammurabi provide the backdrop to the keywords in the amendments found in the Ninth Edition suite of contracts launched by the Singapore Institute of Architects (SIA) in September 2010 for both the Measurement Contract and the Lump Sum Contract versions of the Articles and Conditions of Building Contract for the main contract.

The amendments in the 2010 contract forms albeit not extensive add clarity and certainty to the processing of the Maintenance Certificate. Except for these amendments, users of the SIA contracts will find no difficulty in getting to know the 2010 contracts as most of the familiar clauses remain unaffected.

As no new edition of the sub-contract form has been published alongside the new Ninth Edition contracts, the current Fourth Edition of the SIA Conditions of Sub-Contract should continue to be specified for projects where the main contract form is based on the 2010 contracts.

This practice note examines the key changes made to the 2010 contracts which comprise in essence and significantly, specified time frames for dealing with defects at the end of the Maintenance Period and the issue of the Maintenance Certificate.

DEFECTS OBLIGATIONS

The Completion Certificate from the Architect heralds the following matters on the part of the Contractor:

- Completion of all outstanding work recorded in the schedule attached to the Completion Certificate; and

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