***Excluded amounts***

(1)     This section sets out the classes of amounts ( ***excluded amounts*** ) that must not be taken into account in calculating the amount of a progress payment to which a person is entitled under a construction contract.

(2)     The excluded amounts are—

        (a)     any amount that relates to a variation of the construction contract that is not a claimable variation;

        (b)     any amount (other than a claimable variation) claimed under the construction contract for compensation due to the happening of an event including any amount relating to—

              (i)     latent conditions; and

              (ii)     time-related costs; and

              (iii)     changes in regulatory requirements;

        (c)     any amount claimed for damages for breach of the construction contract or for any other claim for damages arising under or in connection with the contract;

        (d)     any amount in relation to a claim arising at law other than under the construction contract;

        (e)     any amount of a class prescribed by the regulations as an excluded amount.