



## TOP TIPS

1. Always ensure that you have an agreement in writing before commencing work.
2. Understand your legal position – you are under no obligation to agree to the imposition of any discounts or delays in payment of retentions.
3. Understand that your best friend is The Housing Grants, Construction & Regeneration Act 1996 (“The Act”) and that you have a right to recourse under that Act (as long as your contract either is in writing or can be evidenced in writing in some way). Understand your rights under this Act and in particular:
  - a) s.108 – Right to refer disputes to Adjudication
  - b) s.110 – Dates for payment
  - c) s.111 – Notice of intention to withhold payment
  - d) s.112 – Right to suspend performance for non-payment
4. Check the terms of the contract and work out the difference between the amount due and the monies that have actually been paid.
5. Check the terms of the contract and work out the payment terms. Ascertain the Final Date for Payment of your invoice/application and check if you have been paid late. You are entitled to interest on both the discount not paid AND the late payment of the amount you were paid.
6. Check to see if the main contractor has issued a ‘Withholding Notice’ under s.111 of the Act that includes this additional discount.
7. Write to the main contractor to protest and make it clear you are not prepared to agree to the unilateral imposition of any underpayment and request full payment of monies withheld within 7 days.
8. Check to see if the ultimate client is in the Public Sector. If so, send a copy of your letter to NSCC, Carthusian Court, 12 Carthusian Street, London EC1M 6EZ. This will assist NSCC in compiling evidence on contractors that do not pay their supply chains on time.
9. If repayment is still not forthcoming after the time given in your letter, then assert your rights under s.112 of the Act and issue a 7 day notice that you will suspend the performance of your works until repayment is made.
10. Resort to Adjudication on the amount withheld now or continue to send letters of protest each month and go to Adjudication to recover any monies still withheld.

### **TURNOVER IS VANITY; PROFIT IS SANITY**

**PJE International Ltd have a proven record in helping subcontractors like you maximise their profitability on each and every job by preventing major contractors from using unethical and illegal techniques to withhold money that is rightfully yours.**

**What's more, we win 99% of all cases that we take on.**

Call Peter English today on **0116 288 2003**  
for a **FREE** and **NO OBLIGATION** consultation,  
or email [pete@pjeinternational.co.uk](mailto:pete@pjeinternational.co.uk)

