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| **Construction Contracts Act, 2013 Form No. 1**  **Payment Claim Notice**  **- from an Executing Party to the Other Party to a construction contract**  **pursuant to section 4(1) of the Construction Contracts Act, 2013**  **An Executing Party is required to deliver a *Payment Claim Notice* to the Other Party to a construction contract or to a person who is acting for the Other Party under the contract for this purpose no later than 5 days after the payment claim date** | | | |
| **Contract Title/Description (whether oral or written):** | |  |
| **Site Address:** | |  | |

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **State the Payment Claim Date:** | |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  |  | **/** |  |  | **/** |  |  |  |  | |

Please ensure all parts of the form are completed in full, if applicable, and in **Block Capitals** (see Note 1)

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **PART A: Executing Party details** | | | | | | | | | | | |
| **Name of Person /Company/Public Body:** | | |  | | | | | | | | |
|  | | | | | | | | | | | |
| **Trading Name (if different):** | |  | | | | | | | | | |
|  | | | | | | | | | | | |
| **Address:** |  | | | | | | | | | | |
|  |  | | | | | | | | | | |
|  |  | | |  | | | | | | | |
| **City/Town:** |  | | | **County:** |  | | | | | | |
|  |  | | |  |  | | | | | | |
| **Country:** |  | | | **Eircode / Postcode:** |  |  |  |  |  |  |  | |
| **VAT Number:** |  | | | | | | | | | | |

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| **Other Party[[1]](#footnote-1) details or details of the person who is acting for the Other Party under the contract** | | | | | | | | | | | |
| **Name of Person /Company/Public Body:** | |  | | | | | | | | | |
|  | | | | | | | | | | | |
| **Trading Name (if different):** | |  | | | | | | | | | |
|  | | | | | | | | | | | |
| **Address** (**registered address for a Company**)**:** | | |  | | | | | | | | |
|  |  | | | | | | | | | | |
|  |  | |  | | | | | | | | |
| **City/Town:** |  | | **County:** |  | | | | | | | |
|  |  | |  |  | | | | | | | |
| **Country:** |  | | **Eircode / Postcode:** |  |  |  |  |  |  |  |
| **PART B: Payment Claim details** | | | | | | | | | | | | |
| |  |  |  | | --- | --- | --- | | **(a) State the amount due for payment (even if the amount is zero):** |  | **€** |   **State the amount in words:**   |  | | --- | |  |   **ENSURE** that a breakdown of how the amount claimed has been calculated is attached to this form.  **(b) State the subject matter of the payment claim (project or job):**   |  | | --- | |  | |  |   **(c) State the Period, the Stage of Work or the Activity to which the payment claimed is due, including whether it is an interim or final payment:** | | | | | | | | | | | | |
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Continue on separate sheet if needed

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| **PART C: Signature** | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | |
| **Signature:** |  | **Date:** |  |  | **/** |  |  | **/** |  | |  |  |  |  |
| **Print Name:** |  | | | | | | | | |
| **Capacity/Position:** |  | | | | | | | | |
| **ATTACH** a calculation of the payment due to this completed form (see Note 2).  **RETAIN A COPY** **of this completed form and the accompanying documentation** for your records as you may be required to produce it at a later date. | | | | | | | | | | | | | |

**Notes**

**Note 1**

An Executing Party may only use this form if the payment claimed arises under a construction contract as defined in the [Construction Contracts Act 2013](http://www.irishstatutebook.ie/eli/2013/act/34/enacted/en/html). The definition of a **construction contract** is set out in section 1 of the Act and section 2 lists exceptions which are not a construction contract for the purposes of the Act. An information booklet on the Construction Contracts Act, 2013 is available at [www.djei.ie](http://www.djei.ie) for further guidance.

The definition of a **payment claim date** is set out in section 1(1) of the Act and is as follows:

" “payment claim date”, in relation to a construction contract, means the date when a payment claim in relation to an amount due under the construction contract is required to be made;"

The date on which the payment is due to be paid to the Executing Party in relation to the amount claimed is determined in accordance with the construction contract, which is subject to section 3 of the Construction Contracts Act, 2013 which details the requirements in relation to payments under construction contracts.

**Note 2**

A construction contract covered by the Act shall provide for:

* the amount of each interim and final payment or an adequate mechanism for determining those amounts;
* the payment claim date for each amount due or an adequate mechanism for determining it; and
* the period between the payment claim date and the date on which the amount is due.

The *Schedule* to the Construction Contracts Act, 2013 applies to a main contract if and to the extent that it does not make provision for these matters. The *Schedule* to the Act applies to a subcontract except to the extent that the contract makes provisions which are more favourable to the Executing Party than those set out in the *Schedule*.

The *Schedule* to the Construction Contracts Act 2013 states in relation to an interim payment, at paragraphs 4 and 5, that:

"4. The amount of an interim payment under a construction contract shall (subject to *paragraph 5*) be the difference between—

(*a*) the aggregate of the gross value (determined in accordance with the construction contract) of the work done under the construction contract at the payment claim date concerned together with any additional amounts in the interim payment under the construction contract, less any deductions from payment provided for by the construction contract, and

(*b*) the aggregate amount of interim payments that have already been made at that payment claim date.

5. The aggregate of payments made under a construction contract shall not exceed—

(*a*) the amount provided for in the construction contract as originally concluded, and

(*b*) amounts provided for by any amendments to that contract agreed between the parties."

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1. If there is more than one Other Party to the construction contract, copy this blank page and include their details. [↑](#footnote-ref-1)