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|  **Construction Contracts Act, 2013 Form No. 2****Other Party Response to a Payment Claim Notice****– if an amount claimed by an Executing Party is contested****pursuant to section 4(3) of the Construction Contracts Act, 2013****If a *Payment Claim Notice* isCONTESTED, a *Response* from the Other Party (or from the person who is acting for the Other Party under the construction contract for this purpose) is required to be delivered to** **an Executing Party no later than 21 days after the payment claim date** |
| **Contract Title/Description (whether oral or written):**  |  |
|  **Site Address:** |  |

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

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| **PART A: Other Party details[[1]](#footnote-1) 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:** |  |
|  |  |
|  |  |  |
| **City/Town:** |  | **County:** |  |
|  |  |  |  |
| **Country:** |  | **Eircode / Postcode:** |  |  |  |  |  |  |  |
| **VAT Number:** |  |
| **Name of person who may be contacted about this matter:** |  |
| **Email:** |  | **Telephone/Mobile:** |  |
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| **Executing Party details** |
| **Name of Person /Company/Public Body:** |  |
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| **Trading Name (if different):** |  |
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| **Address (registered address for a Company):** |  |
|  |  |
|  |  |  |
| **City/Town:** |  | **County:** |  |
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| **Country:** |  | **Eircode / Postcode:** |  |  |  |  |  |  |  |
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| **PART B: Payment claim** |
| **Is the payment claim received from the Executing Party due under the construction contract?**  |

|  |  |
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| **Yes**  |  |

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| --- | --- |
| **No**  |  |

 |
| If you select **Yes,** proceed tocomplete PART C and PART D of this form. If you select **No,** state the reason(s) below and then proceed to complete PART D of this form. |

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| **State the reason(s) why the payment claim received from the Executing Party is not due under the construction contract:** |
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Continue on separate sheet if needed

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| **PART C: Details concerning the amount, if any, proposed to be paid to the Executing Party**  |
| **(i) State the Payment Claim Date** |

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|  |  | **/** |  |  | **/** |  |  |  |  |

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| **(ii) State the amount proposed to be paid to the Executing Party (even if the amount is zero):**  |  | **€** |
| **State the amount in words:** |  |  |
|  |
| **ENSURE** that a breakdown of how the amount referred to at (ii) has been calculated is attached to this form. |
| **(iii) Detail the reason(s) for the difference between the amount proposed to be paid to the Executing Party and the amount claimed by the Executing Party in that party's *Payment Claim Notice*** (see Note 2)**:** |
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Continue on separate sheet if needed

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| **PART D: Signature**  |
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| **Signature:** |  | **Date:** |  |  | **/** |  |  | **/** |  |  |  |  |  |
| **Print Name:** |  |
| **Capacity/Position:**  |  |
| **Important legal obligations on the Other Party under the Construction Contracts Act, 2013*** There is a statutory obligation to provide a response failing which the Other Party is in breach of the Act.
* It may be possible for the parties to settle the amount that is to be paid to the Executing Party. However, if it is not possible to reach a settlement by the date on which the amount is due to be paid to the Executing Party then, in accordance with section 4(3)(b) of the Construction Contracts Act, 2013, the Other Party is legally obliged to pay the Executing Party the amount, if any, as set out in PART C of the form above by the date on which the payment is due (see Note 3).

**ATTACH** the calculation referred to in PART C of this form, if PART C has been completed. **RETAIN A COPY** **of this completed form and any accompanying documentation** for your records as you may be required to produce it at a later date. |
| **Notes** |

**Note 1**

The Other Party may only use this form if the payment claimed by an Executing Party, which is contested, 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.enterprise.gov.ie](http://www.enterprise.gov.ie/en/) for further guidance.

**Note 2**

If, in accordance with section 4(4) of the Construction Contracts Act, 2013, a reason for the difference is attributable to any claim for loss or damage arising from an alleged breach of any contractual or other obligation of the Executing Party (under the construction contract or otherwise), or any other claim that is alleged against the Executing Party then provide the following details:

(a) when the loss was incurred or the damage occurred, or how the other claim arose;

 (b) the particulars of the loss, damage or claim; and

 (c) the portion of the difference that is attributable to each such particular issue.

**Note 3**

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.

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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)