

FORM 1

Regulation 6

Building and Construction Industry Security of Payment Regulations 2023

NOTICE OF INTENTION TO EXERCISE LIEN

Section 12A(1) of the **Building and Construction Industry Security of Payment Act 2002**

To: *[name and address of ordinary place of business of respondent]*

Under section 12(1) of the **Building and Construction Industry Security of Payment Act 2002** (*the Act*), a progress payment became due and payable to me by you under the construction contract between you and me dated *[insert date and other information identifying the construction contract]*.

The progress payment became due and payable on *[insert date]* *in accordance with the terms of the construction contract/*because 10 business days have passed since *[insert date of service]* being the date on which I served a payment claim on you.

The progress payment is in respect of the following *construction work carried out/*related goods and services supplied by me under the construction contract:

[insert details of construction work, including the time and place the work was carried out, OR details of related goods and services supplied, including the time and place they were supplied, OR details of both]

I supplied the following *unfixed plant/*materials in connection with carrying out the construction work under the construction contract:

[clearly identify the unfixed plant or materials to which this notice refers]

At the date of this notice, I have not received the progress payment. Accordingly, I intend to exercise a lien in respect of the unpaid amount of the progress payment over the *unfixed plant/*materials listed above.

The lien will be extinguished when I receive the progress payment.

Dated:

Signature of claimant:

[Print name and address of ordinary place of business of claimant]

*delete whichever is not applicable