



March 2020

WITHHOLDING OF PRODUCER/MANUFACTURING STATEMENTS IN THE EVENT OF NON-PAYMENT BY A CUSTOMER

Recently FTMA was asked to comment on whether it is lawful to withhold the documentation for delivered frames and trusses (mainly the Producer Statement) in the event of non-payment by a customer.

While there is a statutory requirement for Licensed Building Practitioners (LBPs) to prepare a record of work unless there is a good reason not to (and the Building Practitioners Board has confirmed repeatedly that non-payment does not qualify as a good reason not to), there is **no such statutory requirement to provide the Producer Statement** in the event of non-payment. It is therefore open to a fabricator to withhold the documentation pending payment for the job. However, should you wish to do this, the FTMA Executive recommends that you **make your customers aware of this right with a specific reference in your terms of trade** to the effect that documentation associated with the job may be withheld if payment is not made within trading terms.