JACK BUTLER-KETTLE

# What I need from you

## Set-Off & Contra-Charge Defence

This list explains what I need for this service, why I need it and where you can usually find it. Send the information together where practical. Tell me straight away about anything unavailable or urgent. I will confirm when the essential information is complete and the delivery date is fixed.

Essential items are needed before the relevant work can proceed. Important items affect what I can conclude; optional items add useful context. If an item is missing, incomplete, unreadable or a different version from one already sent, identify it by its number and explain what you hold. I will tell you what replacement is needed, why it matters and any effect on the agreed work or date.

### 1. Every contra-charge claimed, with its build-up ESSENTIAL

**Why I need it.** A contra-charge has to be built up, not asserted.

**Where you'll find it.** Attached to the pay less notice or the assessment email it arrived with.

**Without it.** A charge with no build-up cannot be tested on its figures, only on the fact that it has none, which the defence then has to prove.

### 2. The notices relied on, as served, with proof of service ESSENTIAL

**Why I need it.** Most set-offs fail on the notice before they fail on the merits.

**Where you'll find it.** The email that transmitted the notice, with its timestamp. Check the sent or received folder around the date the deduction says it was served.

**Without it.** The notice point cannot be tested, and it is usually the fastest way to defeat a deduction.

### 3. The executed contract and every amendment ESSENTIAL

**Why I need it.** The set-off clause decides what can be deducted and how.

**Where you'll find it.** The commercial folder or the order email.

**Without it.** The deduction cannot be tested against its own conditions, so an invalid set-off can pass unchallenged.

### 4. The records that rebut the charges IMPORTANT

**Why I need it.** What actually happened, against what is claimed.

**Where you'll find it.** The site office files and the team's phones.

**Without it.** Each charge stands unanswered on the facts, and the defence has nothing but assertion against assertion.

### 5. The valuation or account the deduction was taken from ESSENTIAL

**Why I need it.** Where the money actually came off.

**Where you'll find it.** The valuation or the payment or pay less notice the deduction appears on, and the certificate it was actually taken out of.

**Without it.** It cannot be shown exactly where the money left the account, so the deduction cannot be traced to a figure and challenged on it.

### 6. Every previous valuation for the same heads IMPORTANT

**Why I need it.** Where duplication hides.

**Where you'll find it.** The run of earlier valuations and certificates for the account, back to the first one.

**Without it.** A charge levied twice for the same thing goes unnoticed, because only the current valuation is checked.

### 7. Any period of delay relied on, and who assessed it IMPORTANT

**Why I need it.** Adopted and attributed, never assessed here.

**Where you'll find it.** The delay analysis or programmer's report the charge is said to depend on.

**Without it.** A time dependent charge is carried with no period behind it, unattributed to whoever actually assessed it.

### 8. Any period for responding to the notice under which the set-off was made ESSENTIAL

**Why I need it.** This is often short and it is checked on day one.

**Where you'll find it.** The contract clause the pay less notice was issued under, or the notice itself, which usually states the period.

**Without it.** The response window can run out before the defence is even built, and the right to challenge the deduction can be lost on time alone.

## How to send it

Everything to contact@jackbutlerkettle.com. Original files rather than scans of printouts wherever you have them, and forwarded emails rather than text copied out of them, because the dates and the addressees travel with the original and they often turn out to matter.