

Retention is a contract term, not a right the Act gives: the rate, any limit, and when and how each part is released are whatever your contract says, so copy each trigger into this register in the contract's own words and fill in its date when it happens. Keep one register for retention you hold as payer and one for retention held from you as payee. Two rules of HGCRA 1996 matter to release: a term making payment conditional on the payer being paid by someone else is ineffective unless that other person is insolvent (s.113(1)); and a term making payment conditional on obligations under another contract being performed, or on a decision about that, does not give an adequate payment mechanism (s.110(1A)), subject to the exception in s.110(1C). A subcontract release tied to the main contract's certificate of practical completion or making good, or to the employer releasing retention to the main contractor, is the kind of term those two rules are aimed at: if a release waits on another contract or another party's certificate, take advice. For payers under CIS, a retention release is a payment like any other, at the subcontractor's status on the date it is paid (HMRC CIS 340 para 6.13) — record it on KD-CIS-MP-003. The release evidence in the range: KD-HO-PC-001 (practical completion inspection) and KD-HO-ED-012 (end of defects period). Written for England and Wales. Part II of HGCRA 1996 also covers work in Scotland, which has its own Scheme regulations; Northern Ireland has its own construction contracts Order and Scheme — use those there.

THE RETENTION PROPOSAL IS NOT LAW

On 24 March 2026 the Government published its response to the late payment consultation, saying it proposes to legislate to prohibit the deduction and withholding of retention payments under construction contracts, and will consult further before a final decision on implementation. That is a proposal, not law, at 12/09/2026: retention is still held and released under your contract. Check gov.uk for any change before relying on this register.

1 REGISTER

COMPANY	THIS REGISTER IS FOR	REGISTER KEPT BY	LAST UPDATED

2 RETENTION — ONE LINE PER CONTRACT; UPDATE THE LINE, DO NOT ADD A SECOND

[illegible]

RETENTION REGISTER AND RELEASE REQUEST

continued

REGISTER — COMMERCIAL FILE

KD-PAY-RR-008 Rev A0

NO.	CONTRACT	OTHER PARTY	RATE / LIMIT	HELD £	1ST TRIGGER	1ST DATE	1ST DUE £	1ST PAID	2ND TRIGGER	2ND DATE	2ND DUE £	2ND PAID	BALANCE £

3 CHASE LOG

DATE	REGISTER NO.	CHASED WITH	HOW	RESPONSE	NEXT CHASE

RETENTION REGISTER AND RELEASE REQUEST

Retention release request — the letter to the payer

REQUEST — SEND TO THE PAYER

KD-PAY-RR-008 Rev A0

BEFORE YOU SEND THIS

Your contract's own wording, release triggers and time limits govern. Check the retention and payment clauses before you send this. The Act's payment notice rules apply to every payment the contract provides for (HGCRA 1996 s.110A(1)), so also include the release in the application for the payment it belongs to (KD-PAY-AP-001); if no payment notice is given for that payment, see KD-PAY-DN-002. Take advice where money is at stake.

4 RETENTION RELEASE REQUEST

FROM (PAYEE)		TO (PAYER)	
ADDRESS AND EMAIL		ADDRESS FOR NOTICES	
PROJECT AND CONTRACT	CONTRACT / ORDER REF	PAYMENT CLAUSE NO.	DATE OF THIS DOCUMENT
REGISTER LINE	RELEASE REQUESTED	TRIGGER EVENT AND DATE	
EVIDENCE ENCLOSED	RETENTION CLAUSE	EARLIER REQUESTS	
ITEM	HOW MADE UP	£ EXCL. VAT	
Retention held to date			
Portion the contract releases at this trigger			
Less retention already released			
RELEASE SUM REQUESTED, excluding VAT			
BASIS OF THE SUM REQUESTED			

Request

We request release of the retention stated above. The event in the contract clause stated has happened on the date given, and the evidence is enclosed. Please include this sum in the payment notice for the payment it forms part of, and pay it by the final date for that payment. If you consider that less is due, please tell us the sum you consider due and the basis on which it is calculated.

5 HOW THIS WAS GIVEN

Serve it as the contract says. Where the contract says nothing about service, any effective means will do; a notice addressed, pre-paid and posted to the last known principal business address, or a company's registered or principal office, is treated as served; and a notice includes any communication in writing (HGCRA 1996 s.115).

HOW GIVEN	GIVEN TO	DATE AND TIME GIVEN	PROOF KEPT
TRACKER LINE (KD-PAY-PT-006)			

6 SIGNED

For the payee:					
PRINTED NAME	ROLE	COMPANY	SIGNATURE	DATE	TIME

RETENTION REGISTER AND RELEASE REQUEST

continued

REQUEST — SEND TO THE PAYER

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R REVISION HISTORY

Every revision of this document, and every review that found nothing to change. The revision on the front of this sheet is the one you are holding — check kubitdocs.com for the current one before use.

Rev	Date	Class	What changed	Authorised by
D0	2026-09-12	first-issue	First issue.	— not yet approved —
A0	2026-09-12	review	Approved for issue by the author. Content unchanged from the reviewed draft; the draft status strip is removed. No independent third-party review has been carried out.	Author — director, UK principal contractor, SMSTS. Not an independent review.

Class: first-issue · material (the law, a control, a field or the scope changed — past buyers are notified) · editorial (wording or layout only) · review (checked, nothing changed) · withdrawal. Revision prefix D = draft, not approved and not for sale; A = approved for issue by the person named, on the date shown.