



CROSSRAIL INFORMATION PAPER

C6 – RECOVERY OF COSTS BY PROPERTY OWNERS

This paper provides guidance on the circumstances in which owners of land or property affected by Crossrail can expect to recover costs and fees which they incur in relation to Crossrail and the extent of such recovery.

It will be of particular relevance to owners of land or property affected by Crossrail.

This is not intended to replace or alter the text of the paper itself or any commitments contained in it, and it is important that you read the paper in order to have a full understanding of the subject. If you have any queries about this paper or about how this guidance might apply to you, please contact either your regular Petition Negotiator at CLRL or the Crossrail helpdesk, who will be able to direct your query to the relevant person at CLRL. The helpdesk can be reached at:

Crossrail
FREEPOST
NAT6945
London
SW1H 0BR

Email: helpdesk@crossrail.co.uk
Telephone: 0845 602 3813



1. Introduction

1.1 This Information Paper provides guidance on the circumstances in which owners of land or property affected by Crossrail can expect to recover costs and fees which they incur in relation to Crossrail and the extent of such recovery. Landowners who are concerned whether their property may be affected by Crossrail should contact Cross London Rail Links Ltd (CLRL) in the first instance for information.

2. Consultation

2.1 Costs and fees which an owner incurs simply for the purpose of obtaining information about the Crossrail project and its impact on their interests will not be reimbursed.

3. Petitioning Fees

3.1 In accordance with previous established practice with hybrid Bills, costs and fees which owners incur both in drawing up and depositing their petitions and in presenting their case to the select committees of the Houses of Parliament will not be reimbursed.

4. Environmental Surveys

4.1 Reasonable costs and fees that an owner has to incur for the purpose of cooperating with CLRL in its environmental surveys can be reimbursed. The amount of any such costs and fees should be agreed before they are incurred. Such costs can include the cost of staff time where health and safety requirements mean that CLRL's contractors must be accompanied on site whilst undertaking survey work. Owners will need to submit an invoice for these costs to CLRL.

5. Fees after Royal Assent

5.1 The Crossrail Bill confers compulsory purchase powers on the Secretary of State. To start the process of compulsory purchase, the Secretary of State will be required to serve upon owners of land or property to be acquired or used for Crossrail either a Notice to Treat or notice of the stated effect of a General Vesting Declaration (GVD). The Secretary of State (or the nominated undertaker on his behalf) will reimburse the reasonable fees and costs which owners incur following receipt of such notice, including the employment of a suitably qualified surveyor to prepare and negotiate a compensation settlement. Owners are advised to ensure that the basis of their instructions incurring those fees and costs (including the fee level and basis of costs themselves) is set out in writing and agreed by the Secretary of State/nominated undertaker in advance.

5.2 The Secretary of State/nominated undertaker will reimburse conveyancing costs in relation to land or property which he acquires for Crossrail in accordance with section 23 of the Compulsory Purchase Act 1965. Where any specialist is

needed to work on a claim, such as an accountant, that person's reasonably incurred fees will be reimbursed.

5.3 In certain circumstances, owners may be able to prove that employing a professional person and/or incurring other reasonable fees and costs prior to the service of notice to treat or of the stated effect of a GVD will reduce their overall land compensation claim. In such a case, the Secretary of State/nominated undertaker will reimburse such reasonable fees and costs, albeit that they have been incurred prior to notice being given, provided that the owner is able to prove that any such costs are a consequence of his being dispossessed of his land. Such reasonable fees and costs will form part of the owner's overall claim for land compensation following compulsory purchase. It follows that a Notice to Treat or notice of the stated effect of a GVD must have been served on the owner before the Secretary of State/nominated undertaker will make a payment on this basis.

6. No Land Taken

6.1 Reasonable professional fees and costs are payable to owners who do not have any land or property acquired from them for Crossrail, but who make a successful claim in relation to the adverse effect of Crossrail on the value of their land or property under either Part 1 of the Land Compensation Act 1973 or section 10 of the Compulsory Purchase Act 1965 (see Information Papers C2, Operation of the National Compensation Code and C3, Advance Claims under Part 1 of the Land Compensation Act 1973 for further information).

6.2 Owners are advised to ensure that the basis of their instructions incurring those fees and costs (including the fee level and basis of costs themselves) is set out in writing and agreed by the Secretary of State/nominated undertaker in advance

7. Further Assistance

7.1 The Crossrail helpdesk can be contacted 24-hours, 7-days a week on 0845 602 3813 and they can make an appointment with a surveyor who can provide more detailed information about the issues covered in this paper.

7.2 For independent advice on this or any other property related matter, the Royal Institution of Chartered Surveyors operates a compulsory purchase helpline which can be contacted on 0870 333 1600. This helpline can put people in touch with experienced chartered surveyors in their local area who will provide up to 30 minutes of free advice.