

## HIGH SPEED RAIL (LONDON – WEST MIDLANDS) ACT 2017

Notice: **NOTICE\_NUMBER**

Ref: **LAA\_UNIQUE\_ID**

### FORM OF CLAIM FOR COMPENSATION FOR THE ACQUISITION OF SUBSOIL

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For a claim for compensation for the compulsory acquisition of subsoil and/or, when applying for an advance payment, whether in advance of or after possession is taken, in accordance with [section 52 of the Land Compensation Act 1973](#). Please note that the amendments made to Section 52 by the Housing and Planning Act 2016 apply to Compulsory Purchase Orders authorised from 6<sup>th</sup> April 2018, and as the High Speed Rail (London - West Midlands) Act (the “HS2 Act 2017”) was authorised on 23<sup>rd</sup> February 2017, these amendments do not apply to advance payments requested under the HS2 Act 2017. A link to the unamended version of section 52 can be found at <http://www.legislation.gov.uk/ukpga/1973/26/section/52/2015-04-12>.

This claim form is based on the Model Compensation Claim Form produced by the Ministry of Housing, Communities and Local Government (MHCLG). Please read the guidance notes for the Model Compensation Claim Form before completing this form. The notes can be found at <https://www.gov.uk/government/publications/compulsory-purchase-process-and-the-crichel-down-rules-guidance>.

**If you wish to accept the Secretary of State for Transport’s compensation offer, please complete sections 1, 2, 3b, 6, 7 and/or 13, and the “Acceptance of Subsoil Compensation Offer Form” - these are mandatory. The remaining sections are only required if you do not wish to accept the Secretary of State for Transport’s offer set out on the last page of this form, or wish to claim for any reduction in value of your retained land.**

**Once completed, this form together with all accompanying plans, documents and evidence should be returned as soon as possible using one of the following options:**

**Online:**

Using the HS2 Track my Property Case on the HS2 website  
[www.hs2.org.uk/in-your-area/assistance-for-property-owners/track-my-property-case/](http://www.hs2.org.uk/in-your-area/assistance-for-property-owners/track-my-property-case/)

**By post:**

Land and Property, HS2 Limited  
Two Snowhill, Snow Hill Queensway  
Birmingham, B4 6GA

Or

**By email:**

[LPclaims@hs2.org.uk](mailto:LPclaims@hs2.org.uk)

## Explanatory notes

The plan attached to the Notice identifying the relevant authorisation for the compulsory acquisition of land shows the extent of the land to be acquired (or in respect of which temporary possession is to be taken) and in respect of which it is believed you have an interest.

If you wish to make a claim for compensation in respect of the land identified in the Notice/on the plan, you should answer the questions in this form and provide the requested documentation to support your claim for compensation.

If you do not have an interest in the whole of the land identified, please:

- 1) Mark on the attached plan (or on a copy) the extent of the land in which you hold an interest.
- 2) Ensure that you enclose:  
a copy of your title plan(s) if you own the freehold, or,  
a copy of the plan of your demise if you occupy under a lease, or,  
a copy of a plan indicating the area of land you occupy if you occupy under some other arrangement.
- 3) Answer the questions in relation to the land that you own and/or occupy.

Where a request is being made for an Advance Payment of compensation for the compulsory acquisition of land, [section 52 of the Land Compensation Act 1973](#) requires that the request be accompanied by the information that **High Speed Two (HS2) Limited (HS2 Ltd) as Agent for and on behalf of the Secretary of State for Transport (the Acquiring Authority)** may reasonably require to estimate the amount of compensation due.

You should answer all questions relevant to your claim as fully and accurately as possible and provide copies of all documentation asked for in this form.

Where information is incomplete or unclear, HS2 Ltd may not be able to make a proper assessment of any Advance Payment of compensation to be paid to you; in which case HS2 Ltd will notify you of what extra information it needs.

Where any claimed amount has been estimated, this must be clearly indicated alongside the relevant amount.

<b>1</b>	Full name of claimant as stated on the registered title or lease (where one exists)	
<b>2</b>	Trading name (if different to 1 above)	
<b>3</b>	Have you instructed, or do you intend to instruct a solicitor, surveyor or other person to advise you, or do you intend to deal with this matter yourself	<input type="checkbox"/> <b>Solicitor</b> / <input type="checkbox"/> <b>Surveyor</b> / <input type="checkbox"/> <b>Other</b> / <input type="checkbox"/> <b>Myself</b> <i>(Select which applies)</i>  If solicitor/surveyor/other go to 3a. If yourself, go to 3b
<b>3a</b>	Name of solicitor/surveyor/other for correspondence relating to this matter	Name of practice Postal address  Contact name Email address Telephone
<b>3b</b>	Your address details for future correspondence relating to this matter	Postal address   Email address Telephone
<b>4</b>	Do you have a mortgage or other loan arrangement for the purchase of your interest in the property which has an outstanding balance	<input type="checkbox"/> <b>Yes</b> / <input type="checkbox"/> <b>No</b> <i>(Select which applies)</i> If 'yes', go to 4a. If no, go to 5 <b>NB: If you have reason to believe that the market value of the property will be insufficient to enable the present mortgage to be paid off in full, you must advise both your mortgage lender and HS2 Ltd as soon as possible.</b>
<b>4a</b>	Name of lender Contact address of lender  Lender's reference or Roll number Approximate balance outstanding	£
<b>5</b>	If you have an interest in other land either contiguous or adjacent to the land on the attached plan, please provide a plan identifying the additional land owned. Please confirm the interest you have in this adjacent land: <div style="display: flex; justify-content: space-around;"> <span><b>Freehold</b></span> <span><b>Leasehold</b></span> </div>	
<b>6</b>	Do you own the freehold or a leasehold interest in the land to be acquired	<input type="checkbox"/> <b>Yes</b> / <input type="checkbox"/> <b>Neither</b> <i>(Select which applies)</i>  If you own the freehold, go to <b>SECTION A</b> and answer the questions there, then go to <b>SECTION D</b> . If you own a leasehold, go to <b>SECTION B</b> and answer the questions there, then go to <b>SECTION D</b> .

		<p>If the answer is Neither, go to go to <b>SECTION C</b> and answer the questions there, then go to <b>SECTION D</b>.</p> <p>If you have any rights over land or restrictive covenants that will be interfered with by the acquisition or temporary possession, go to <b>SECTION E</b>.</p> <p>If your land is subject to temporary possession, go to <b>SECTION F</b>.</p>
<b>SECTION A – FREEHOLD</b>		
<b>7</b>	If you own the freehold interest	<p>Please provide your registered title number (if known).....</p> <p>If you do not know your registered title number, please provide a copy of your title and plan (available from your solicitor whose reasonable costs will be reimbursed in the event you are entitled to claim compensation) or by download from HM Land Registry if your title is Registered.</p> <p>Please include information regarding unregistered land and provide plan(s)</p>
<b>8</b>	If you own the freehold interest and have granted a right of occupation (such as a lease, tenancy or other arrangement) to anyone else	<p>Please provide a copy of any lease or other written agreement, whereby you have granted someone else occupation together with any related schedule of condition, memorandum relating to rent reviews, alterations etc.</p> <p>Please confirm the amount of any rent deposit you hold £.....</p> <p>Please confirm the amount of rent currently paid to you £.....</p> <p>Please provide a copy of any notice relating to the lease that you have served on your tenant, the effect of which notice is still outstanding (e.g. a break notice, notice under section 25 Landlord and Tenant Act 1954 etc.) and a copy of any notice served by your tenant on you (e.g. a break notice, notice under section 26 Landlord and Tenant Act 1954 etc).</p> <p>If there is no lease or agreement in writing, please provide a plan showing the area occupied by any third party and state:</p> <p style="padding-left: 40px;">The name of the occupier and contact address (if different to above): Whether or not the land is shared with any other party; if so please provide contact details: The date the arrangement started: The current rent payable: The date the above rent became payable: The date the arrangement finishes.</p> <p>If there is a connection or relationship between you as freeholder and any occupier, other than through whatever arrangement that you have made, please provide details of the relationship etc</p>

9	Where the following is not stated on the copy of your freehold title that you have provided, please provide details of any of these, using a separate piece of paper	i) Existing exceptions of mines and minerals and any other exceptions ii) Rights of the Lord of the Manor to minerals and sporting rights and other rights and names and addresses of the Lord and Steward (if the property was formerly Copyhold). iii) Any public or private rights of way or any other public or private rights or privileges affecting the property iv) Existing covenants and restrictions affecting the property v) Corn Rent payable vi) Liability to repair the Chancel of any Church vii) Land drainage rates payable viii) Yearly rent charges and outgoings
10	Please provide particulars of: a) Any Notices by a public or local authority affecting the property b) Any statutory charges affecting the property e.g. under the Town and Country Planning Acts, the Private Street c) Works Acts or the Highways Act 1980	
11	Please provide particulars of any outstanding right to compensation for refusal, conditional grant, revocation or modification of planning permission (Section 12 of the Land Compensation Act 1961)	
12	Please provide particulars of any un-implemented and/or partially implemented planning permission relating to the property  Please consider if any planning applications relating to the property been made but not yet determined by the local planning authority	
<b>SECTION B - LEASEHOLD</b>		
13	If you own a leasehold interest	Please provide a copy of your lease and a colour copy of any lease plan.
14	If you have granted a right of occupation to anyone else by a sub-lease, licence or other arrangement.	Please provide a copy of any lease, or other written agreement, whereby you have granted someone else occupation. If there is no agreement in writing, please provide a plan showing the area let and state:  The name of the occupier and contact address (if different to above): The date the arrangement started: The current rent payable: The date the above rent became payable: The date the arrangement finishes:  If there is a connection or relationship between you as leaseholder and any occupier, other than through whatever arrangement that you have made, please provide details of the relationship etc
15	Please provide particulars of:  a) Any Notices by a public or local authority affecting the property b) Any statutory charges affecting the property e.g. under the Town and Country Planning Acts, the Private Street Works Acts or the Highways Act 1980	
16	Please provide particulars of any outstanding right to compensation for refusal, conditional grant, revocation or modification of planning permission (Section 12 of the Land Compensation Act 1961)	

17	<p>Please provide particulars of any un-implemented and/or partially implemented planning permission relating to the property</p> <p>Please consider if any planning applications relating to the property been made but not yet determined by the local planning authority</p>																			
	<p><b>SECTION C – OTHER INTEREST</b></p>																			
18	<p>If you neither own the freehold interest nor occupy under a lease or other written agreement</p>	<p>On a separate piece of paper, please state in as much detail as possible the exact circumstances of your occupation and by what right you consider you are entitled to be in occupation of the land and property at this address</p> <p>If there is a connection or relationship between you as occupier and your landlord, other than through whatever arrangement that you have made, please provide details of the relationship etc</p>																		
	<p><b>SECTION D – ACQUISITION</b></p>																			
19	<p>Is the claimant able to fully recover VAT: <input type="checkbox"/>Yes / <input type="checkbox"/>No <i>(Select which applies)</i></p> <p>If 'No', can the claimant partially recover VAT: <input type="checkbox"/>Yes / <input type="checkbox"/>No <i>(Select which applies)</i></p> <p>If 'Yes', please provide evidence (e.g. an accountant's certification) to show what percentage of VAT can be usually be recovered. If 'Yes' the claimant's VAT registration will be required</p>																			
20	<p>Will the sale of the interest in land be liable to VAT? <input type="checkbox"/>Yes / <input type="checkbox"/>No <i>(Select which applies)</i></p> <p>If 'Yes', please provide a copy of HMRC acknowledgment of the option to tax</p>																			
21	<p>Particulars of claim:</p> <p><b>NB The law requires you to provide a fully detailed valuation. You should include full details of any comparable evidence relied upon in support of the valuation to support your compensation claim. Please attach this as a separate document but summarise the individual figures below</b></p> <table border="0" style="width: 100%;"> <tr> <td>For the value of the claimant's interest</td> <td style="text-align: right;">£</td> </tr> <tr> <td>For severance/injurious affection of other land of the claimant</td> <td style="text-align: right;">£</td> </tr> <tr> <td>For disturbance <b>(Please provide the detail requested at 22)</b></td> <td style="text-align: right;">£</td> </tr> <tr> <td>For easements etc</td> <td style="text-align: right;">£</td> </tr> <tr> <td>Home loss payment</td> <td style="text-align: right;">£</td> </tr> <tr> <td>Basic loss payment</td> <td style="text-align: right;">£</td> </tr> <tr> <td>Occupier loss payment</td> <td style="text-align: right;">£</td> </tr> <tr> <td> Total gross claim</td> <td style="text-align: right;"> £</td> </tr> <tr> <td> What sum, if any, is to be deducted for betterment</td> <td style="text-align: right;"> £</td> </tr> </table>		For the value of the claimant's interest	£	For severance/injurious affection of other land of the claimant	£	For disturbance <b>(Please provide the detail requested at 22)</b>	£	For easements etc	£	Home loss payment	£	Basic loss payment	£	Occupier loss payment	£	 Total gross claim	 £	 What sum, if any, is to be deducted for betterment	 £
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 What sum, if any, is to be deducted for betterment	 £																			
22	<p>If an amount for disturbance has been or is to be claimed, please provide:</p> <p>Copies of any available estimates/quotations/costs already incurred for removal or other costs associated with moving to alternative premises.</p> <p>In the case of a business where it is likely that the business will close down, copies of any available estimates/quotations for costs etc associated with closing the business down.</p>																			

	In the case of a business where it is possible that a claim for loss of profit (of either a temporary or permanent nature) might be made at any time in the future, copies of the full accounts (including the detailed Profit and Loss pages) for the last 3 accounting years that have been filed for taxation purposes with HMRC
<b>23</b>	If you are making a claim for compensation in respect of the compulsory acquisition of land and have not yet made an application for an Advance Payment of compensation, do you wish this claim to be accepted also as a formal request for an Advance Payment. <input type="checkbox"/> Yes / <input type="checkbox"/> No (Select which applies)
	<b>SECTION E – INTERFERENCE WITH RIGHTS OVER LAND ETC</b>
<b>24</b>	If an amount for loss or injury/damage caused by interference with any right over land or any restrictive covenant has been or is to be claimed, please provide:  Copies of any available estimates/quotations/costs already incurred or to be incurred.
	<b>SECTION F – TEMPORARY POSSESSION</b>
<b>25</b>	If an amount for loss or injury/damage caused by temporary possession has been or is to be claimed, please provide:  Copies of any available estimates/quotations/costs already incurred or to be incurred.

Date.....

Signed by or on behalf of the Claimant.....

If not signed by the Claimant, please state the capacity in which signed.....

Name and Address of Signatory (if different to the answer at Q3a):.....

**Please note:**

**Guidance on how to make a claim for compensation is available from**

<https://www.hs2.org.uk/documents/collections/claiming-compensation-if-you-receive-a-notice/>

**For the purpose of receiving an Advance Payment as much information as possible should be provided as to ensure that HS2 Ltd has every opportunity to make a proper assessment of the amount of any Advance Payment due.**

**If any required information is not available at the time this form is returned, please ensure that it is provided to HS2 Ltd as soon as it becomes available as a further Advance Payment of the compensation due may then be payable.**

## HIGH SPEED RAIL (LONDON – WEST MIDLANDS) ACT 2017

Notice No. **NOTICE\_NUMBER**

**Ref: LAA\_UNIQUE\_ID**

### ACCEPTANCE OF SUBSOIL COMPENSATION OFFER FORM

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I/We<sup>3</sup> wish to accept the following offer in full and final compensation in respect of the acquisition of the subsoil detailed in the notice(s) dated [ ] which forms part of the property described as [ ] and indicated on the plan as Plot No [ ], and acknowledge that payment is received for and on behalf of all persons who are registered proprietors of the said property.

The consideration is as follows:

- £50.00 for the subsoil
- £250.00 towards professional fees (whether instructed or not)

I/We<sup>3</sup> wish for payment to be made into the following bank account:

Account holder(s) name(s):

Account number:

Sort code:

Roll number (if it is a building society account):

Bank address:

Signed<sup>4</sup>:

Date:

Note:

1. Where there is more than one owner of the plot of subsoil, only one compensation payment will be made, but all owners must sign the above before payment can be made
2. Compensation payment will be made within 28 days upon receipt and verification of signed form from all owners
3. Delete as appropriate. Compensation to be paid to the owner of the property. Compensation can only be transferred to an alternative person with the written consent of the owner
4. **This form must be signed by all owner(s) of the property**