



Phase 2b Western Leg Information Paper

C10: Small claims scheme

This paper sets out the proposals for establishing a small claims scheme for HS2 Ltd covering claims for physical damage arising from construction and survey work.

It will be of particular interest to those potentially affected by the Government's proposals for high speed rail.

This paper was prepared in relation to the promotion of the High Speed Rail (Crewe - Manchester) Bill. Content will be maintained and updated as considered appropriate during the passage of the Bill.

If you have any queries about this paper or about how it might apply to you, please contact the HS2 Helpdesk in the first instance.

The Helpdesk can be contacted:

by email: HS2enquiries@hs2.org.uk

by phone (24hrs): 08081 434 434
08081 456 472 (minicom)

or by post: High Speed Two (HS2) Limited
2 Snowhill, Queensway
Birmingham
B4 6GA

1 Introduction

- 1.1 High Speed Two (HS2) is the Government's scheme for a new, high speed north-south railway, which is being taken forward in a number of phases. Phase One will connect London with Birmingham and the West Midlands. Phase 2a will extend the route from the West Midlands to Crewe. The Phase 2b Western Leg will connect Crewe to Manchester. As set out in the Integrated Rail Plan, published in November 2021, HS2 East is proposed to deliver a new high speed line from the West Midlands to East Midlands Parkway.
- 1.2 HS2 Ltd is the non-departmental public body responsible for developing and promoting these proposals. The company works under the terms of a Development Agreement entered into with the Secretary of State for Transport.
- 1.3 The construction and operation of Phase One of HS2 is authorised by the High Speed Rail (London – West Midlands) Act 2017 and Phase 2a by the High Speed Rail (West Midlands – Crewe) Act 2021.
- 1.4 In January 2022, the Government introduced a hybrid Bill to Parliament (hereafter referred to as 'the Bill'), to seek powers for the construction and operation of the Phase 2b Western Leg (the Proposed Scheme), which is called the High Speed Rail (Crewe – Manchester) Bill. The Proposed Scheme comprises the Phase 2b Western Leg from Crewe to Manchester and several off-route works. It also facilitates the delivery of Northern Powerhouse Rail by providing the Crewe Northern Connection and junctions and other infrastructure to be used in future schemes.
- 1.5 The work to produce the Bill includes an Equalities Impact Assessment and an Environmental Impact Assessment (EIA), the results of which are reported in an Environmental Statement (ES) submitted alongside the Bill. The Secretary of State has also published draft Environmental Minimum Requirements (EMRs), which set out the environmental and sustainability commitments that will be observed in the construction of the Proposed

Scheme. For more information on the EMRs please see Information Paper E1: Control of environmental impacts.

1.6 The Secretary of State for Transport is the Promoter of the Bill through Parliament. The Promoter will also appoint a body responsible for delivering the Proposed Scheme under the powers granted by the Bill. This body is known as the 'nominated undertaker'. There may be more than one nominated undertaker. However, any and all nominated undertakers will be bound by the obligations contained in the Bill, the policies established in the EMRs and any commitments provided in the information papers.

1.7 These information papers have been produced to explain the commitments made in the Bill and the EMRs and how they will be applied to the design and construction of the Proposed Scheme. They also provide information about the Proposed Scheme itself, the powers contained in the Bill and how particular decisions about the Proposed Scheme have been reached.

2 Overview

2.1 This information paper sets out the proposals for establishing a small claims scheme by the nominated undertaker to be operated during the construction of the proposed scheme. The small claims scheme will apply to claims arising from the survey and construction related activities.

3 Description of Small Claims Scheme

3.1 The nominated undertaker will establish a small claims scheme, modelled on those operated for the construction of Phase One of HS2 and the Crossrail and the Channel Tunnel Rail Link. The scheme will provide a mechanism for settling minor construction related residential, business or agricultural claims.

3.2 The scheme offers an informal approach to handling small claims. It is designed to give a fast response at minimum cost and inconvenience to

the claimant. The small claims scheme is a voluntary arrangement and does not affect the claimant's statutory rights of redress.

- 3.3 The nominated undertaker will be required by the Secretary of State to appoint an administrator to oversee the handling of small claims upon start of construction.

4 Procedure

- 4.1 If a member of the public considers he or she has a claim for physical damage on their property arising from construction of the Proposed Scheme, the claimant must first address the claim to the person identified as the small claims point of contact by the nominated undertaker, as provided for in the draft Code of Construction Practice

- 4.2 The point of contact will be responsible for receiving any claim. If immediate action cannot be taken to resolve or settle the small claim, the small claims administrator will pass the claim to the responsible party for resolution and settlement.

- 4.3 The responsible party will be responsible for investigating the claim, setting up a meeting with the claimant to discuss the claim, deciding whether the claim is warranted, assessing the damage or other effects on the property, making arrangements for the necessary works to be done, or, as the case may be, arranging payment to the claimant.

- 4.4 It will be possible for claims to be referred to the small claims administrator by the Construction Commissioner, although the normal procedure is likely to be as described above.

- 4.5 If a claimant considers that the award of the small claims administrator is inadequate then he will be able to write to the Construction Commissioner seeking ultimate determination of the claim. This process is intended to provide a speedy resolution to the complaint and thereby to relieve the claimant of the costs, time delays and the formality of a Tribunal.

5 Scope of claims

- 5.1 The scheme will deal with claims up to a value to be determined from the time of the start of construction.
- 5.2 It is expected this value would be up to an initial figure of £10,000 and periodically subject to review.
- 5.3 The scheme will cater for claims relating to damage to property arising from the construction of the Proposed Scheme. Examples might include damage to a fence or a broken window caused by the contractor; or damage to personal property, such as farm equipment or crops, due to the construction process. It may also cover claims relating to other effects on property caused by the construction process which give rise to additional expense, such as removing dust from windows or costs arising from vermin and pest control. It does not include payment for any potential loss in the value of property due to restricted access, liability for any personal injury, damage/loss forming part of a substantive compensation claim under the Bill when enacted or amounts to a claim for compensation derived from an assurance or undertaking benefitting the claimant or otherwise attributable to any discretionary scheme of financial compensation introduced by the Secretary of State, and applicable to claims for compensation arising during the construction of the Proposed Scheme.
- 5.4 The scheme will not apply to local authorities, Government departments or their agencies.

6 Remedies

- 6.1 The operation of the scheme will be monitored by the Construction Commissioner who will report performance to the Secretary of State and the appointed independent body and at other times as he / she considers necessary.
- 6.2 The Construction Commissioner will determine claims under the small claims scheme in the event that a dispute cannot be resolved through the normal process.

7 More information

- 7.1 More detail on the Bill and related documents can be found at www.gov.uk/hs2-phase2b-crewe-manchester.