

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 07 April 2017 12:29  
**To:** [REDACTED]  
**Subject:** Freedom of Information Response  
**Attachments:** Area 13 MAC SI Annex 23 CONTRACT Rev 0.pdf

Dear [REDACTED]

I am writing to confirm that we have now completed our search for the information, which you requested on 13 March 2017. A copy of the information is below:

**Please provide the Annex relating to Third Party claims and pricing, all appendices and all related information for Area 13.**

Attached.

**Please confirm whether Appendix A to Annex 23 in Area 9 applies to Area 13**

Appendix A to Annex 23 in Area 9 does not apply to Area 13.

**If not, why not**

Area 9 and Area 13 are different types of contracts

**And the process in place describing the maximum a third party may be charged by the contractor, Kier Highways**

Under the Area 13 Asset Support Contract, where the estimated cost of repair falls below £10,000, Kier have full responsibility for conduct of a claim against a third party for damages to the strategic road network. However, there will be cases where the estimate is below £10,000 but the final costs are above £10,000. In these cases Kier will still manage the claim. From the 1<sup>st</sup> April 2017 Highways England moved to an Asset Led Delivery contract for Area 13. As such all claims against third parties arising from incidents that occurred on or after 1<sup>st</sup> April 2017 will be managed by Highways England, irrespective of value.

The costs of repairing that damage and reinstating the Asset to a "normal" condition are reclaimed from the liable parties insurer. However, if liability and/or quantum cannot be agreed with the insurance company representing the road user litigation may be necessary and in such matters we would seek to recoup our legal costs from the insurer.

Most documents supplied by Highways England will be Crown Copyright. Most Crown Copyright information can be re-used under the [Open Government Licence](#). For information about OGL and about re-using Crown Copyright information please see [The National Archives website](#).

If you are unhappy with the way we have handled your request you may ask for an internal review. Our internal review process is available at:

<https://www.gov.uk/government/organisations/highways-england/about/complaints-procedure>

If you require a print copy, please phone the Information Line on 0300 123 5000; or e-mail [info@highwaysengland.co.uk](mailto:info@highwaysengland.co.uk). You should contact me if you wish to complain.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

If you have any queries about this letter, please contact me. Please remember to quote reference number 749735 in any future communications.

Yours sincerely

  
Highways England | Piccadilly Gate | Store Street | Manchester | M1 2WD

  
Web: <http://www.highways.gov.uk>