**Claim for compensation for the compulsory acquisition or the occupation of land**

This model claim form can be used to provide the information required:

* for a claim for compensation for the compulsory acquisition of land or interests and / or taking of temporary possession; and/or, when applying for an advance payment of compensation, whether in advance of, or after, possession is taken, in accordance with section 52 of the Land Compensation Act 1973 (as amended).

Please read the Explanatory Notes before completing this form.

 \***In respect of the** .............................................................................................

(*Insert the title of the legislation which provides the enabling compulsory purchase powrs)*

\***For compulsory purchase / temporary possession**

(*Delete which is not applicable*)

\***Name of acquiring authority….**………………………………………………

\***Address of land/property to be acquired:**..…………………………………....

............................................................................................................................

………………………………………………………………………………………….

(\**To be completed by the acquiring authority*)

**Once completed, this form together with all accompanying plans and documents should be returned as soon as possible and within 21 days of the service of a notice to treat in respect of your land to:**

(*Acquiring authority to insert address*)

**Or emailed to:**

(*Acquiring authority to insert email address*)

Explanatory Notes

If this form has been sent to you by an authority possessing compulsory purchase powers (“acquiring authority”), the plan attached to the notice identifying the relevant authorisation for the compulsory purchase 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:

* mark on the attached plan (or on a copy) the extent of the land in which you hold an interest.

Ensure 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.

Answer the questions in relation to the land you own and/or occupy.

Where a request is being made for an advance payment of compensation for the compulsory purchase of land, section 52 of the Land Compensation Act 1973 (as amended) requires that the request be accompanied by the information the acquiring authority requires 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, the acquiring authority may not be able to make a proper assessment of any advance payment of compensation to be paid to you. In this case, the acquiring authority 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.

|  |
| --- |
| SECTION A – GENERAL INFORMATION |
| **1** | Full name of claimant as stated on the registered title or lease (where one exists) |  |
| **2** | Trading name (if different to 1 above) |  |
| **3** | Have you instructed, or do you intend, to instruct a solicitor, surveyor or other professional person to advise you, or do you intend to deal with this matter yourself? | [ ] **Solicitor /** [ ] **Surveyor /** [ ] **Other /** [ ] **Myself** *(Select which applies)*If solicitor/surveyor/other go to question 3a.If yourself, go to question 3b |
| **3a** | Name of solicitor/surveyor/other for correspondence relating to this matter | Name of practice:Contact name:Postal address: Email address:Telephone: |
| **3b** | Your address details for future correspondence relating to this matter | Postal address: Email address:Telephone: |
| **4** | Do you have a mortgage or other loan arrangement for the purchase of your interest in the property which has an outstanding balance | [ ] **Yes /** [ ] **No** *(Select which applies)*If ‘yes’, go to question 4a. If no, go to question 5**NB: If you have reason to believe 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 the acquiring authority as soon as possible.** |
| **4a** | Name of lenderContact address of lenderLender’s reference or Roll numberApproximate balance outstanding | **£** |

|  |  |
| --- | --- |
| **5** | 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: **Freehold/Leasehold** *(Circle which applies)*  |
| **6** | Do you own the freehold or a leasehold interest in the land to be acquired ? | [ ] **Yes /** [ ] **Neither** *(Select which applies)*If you own the freehold interest, go to **SECTION B of this form** and answer the questions there..If you own a leasehold interest, go to **SECTION C of this form** and answer the questions there..If the answer is “Neither”, go to **SECTION D** of this form and answer the questions there.If you have any rights over land or restrictive covenants that will be interfered with by the acquisition or temporary possession, go to **SECTION F of this form.**If your land is subject to temporary possession, go to **SECTION G of this form**. |

|  |  |
| --- | --- |
|  | SECTION B – FREEHOLD INTEREST |
| **7** | Where you own the freehold interest, please provide your registered title number (if known)…….......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. |

|  |  |
| --- | --- |
| **8** | Where you own the freehold interest and have granted a right of occupation (such as a lease, tenancy or other arrangement) to anyone else, 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.Please confirm the amount of any rent deposit you hold £……........Please confirm the amount of rent currently paid to you £…………….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 (for example, a break notice, notice under section 25 of the Landlord and Tenant Act 1954 etc) and a copy of any notice served by your tenant on you (for example, a break notice, notice under section 26 of the Landlord and Tenant Act 1954 etc).If there is no lease or agreement in writing, please provide a plan showing the area occupied by any third party and state:1. The name of the occupier and contact address (if different to above)
2. Whether or not the land is shared with any other party; if so please provide contact details

(c) The date the arrangement started(d) The current rent payable(e) The date the above rent became payable(f) The date the arrangement finishesIf 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: |
| **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, on a separate sheet 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:* Any Notices by a public or local authority affecting the property.
* Any statutory charges affecting the property, for example, under the Town and Country Planning Acts, the Private Street Works Acts or the [Highways Act 1980](https://www.legislation.gov.uk/ukpga/1980/66/contents).
 |
| **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. |
| **13** | **Now go to Section E** |

|  |  |
| --- | --- |
|  | SECTION C – LEASEHOLD INTEREST |
| **14** | Where you own a leasehold interest, please provide a copy of your lease and a colour copy of any lease plan. |
| **15** | Where 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:1. The name of the occupier and contact address (if different to above)
2. The date the arrangement started
3. The current rent payable
4. The date the above rent became payable
5. 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: |
|  **16** | Please provide particulars of:* Any Notices by a public or local authority affecting the property
* Any statutory charges affecting the property for example under the Town and Country Planning Acts, the Private Street Works Acts or the Highways Act 1980
 |
|  **17** | 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) |
|  **18** | Please provide particulars of any un-implemented and/or partially implemented planning permission relating to the property |
| **19** | **Now go to Section E.** |

|  |  |
| --- | --- |
|  | SECTION D – OTHER INTEREST  |
|  **20** | Where you neither own the freehold interest nor occupy under a lease or other written agreement, on a separate sheet 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: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: |
| **21** | **Now go to Section E** |

|  |  |
| --- | --- |
|  | SECTION E – ACQUISITION  |
|  **22** | Is the claimant able to fully recover VAT: [ ] **Yes /** [ ] **No** *(Select which applies)*If ‘No’, can the claimant partially recover VAT: [ ] **Yes /** [ ] **No** *(Select which applies)*If ‘Yes’, please provide evidence (for example, an accountant’s certification) to show what percentage of VAT can be usually be recovered. |
|  **22** | Will the sale of the interest in land be liable to VAT? [ ] **Yes /** [ ] **No** *(Select which applies)*If ‘Yes’, please provide a copy of HMRC acknowledgment of the option to tax. |

|  |  |
| --- | --- |
|  **23** | Particulars of claim:**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**For the value of the claimant’s interest £For severance/injurious affection of other land of the claimant £For disturbance £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 £ |
|  **24** | If an amount for disturbance has been or is to be claimed, please provide:* Copies of any available estimates/quotations/costs already incurred for removal or other costs associated with moving to alternative premises.
* 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.
* 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.
 |
|  **25** | If you are making a claim for compensation in respect of the compulsory purchase 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 of compensation: [ ] **Yes /** [ ] **No** *(Select which applies)* |

|  |  |
| --- | --- |
|  | SECTION F – INTERFERENCE WITH RIGHTS OVER LAND ETC |
|  **26** | 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.
 |

|  |  |
| --- | --- |
|  | SECTION G – TEMPORARY POSSESSION |
|  **27** | 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:**

**For the purpose of receiving an advance payment compensation as much information as possible should be provided so to ensure the acquiring authority has every opportunity to make a proper assessment of the amount of any advance payment of compensation due.**

**If any required information is not available at the time this form is returned, please ensure it is provided to the acquiring authority as soon as it becomes available as a further advance payment of compensation due may then be payable.**