



CROSSRAIL INFORMATION PAPER

C4 – SMALL CLAIMS SCHEME

This paper sets out the proposals for establishing a small claims scheme for Crossrail.

It will be of particular relevance to those in the vicinity of the proposed Crossrail works.

This is not intended to replace or alter the text of the paper itself 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, 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:

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C4 – SMALL CLAIMS SCHEME

1. Introduction

- 1.1 The Promoter will establish a small claims scheme, modelled on those operated for the construction of the Channel Tunnel and the Channel Tunnel Rail Link, to provide a positive and clear mechanism for minor construction related residential, business or agricultural claims up to a value to be determined at the time.
- 1.2 The scheme is an informal approach to handling small claims that is designed to give a prompt response at minimum cost and inconvenience to claimants. It is a voluntary arrangement that does not affect statutory rights of redress.

2. Operation

- 2.1 The nominated undertaker will be required to appoint an administrator to deal with small claims; the person will be known as the small claims administrator.
- 2.2 If a member of the public considers that he or she has a claim for physical damage arising from construction related activity, the claimant must first address the claim to the person advertised as the point of contact by the nominated undertaker in relevant local authority offices and at site boundaries, as provided for in the Crossrail Construction Code (for further information see Information Paper D1, Crossrail Construction Code).
- 2.3 The point of contact will be responsible for receiving any complaint. If immediate action can not be taken to resolve or settle the small claim, it will be passed to the small claims administrator for resolution and settlement.
- 2.4 The small claims administrator 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 and arranging payment to the claimant.
- 2.5 It will be possible for claims to be referred to the small claims administrator by the Complaints Commissioner (for further information see Information Paper F5, Complaints Commissioner), though the normal procedure is likely to be as described above.
- 2.6 If a claimant considers that the award of the small claims administrator is inadequate then he will be able to write to the Complaints Commissioner requesting arbitration.

3. Claims

- 3.1 The scheme will deal with claims up to a value to be determined at the time of the start of construction. It is expected that this value would be up to £5,000.
- 3.2 The scheme will cater for claims related to damage to property and effects arising from the construction of Crossrail, but not for personal injury.
- 3.3 The scheme will not apply to local authorities, Government Departments or agencies.

4. Remedies

- 4.1 The operation of the scheme will be monitored by the Crossrail Complaints Commissioner who will report performance to the Crossrail High Level Forum annually and at other times as he considers necessary. The Complaints Commissioner will determine requests for arbitration under the scheme.