

A clear, impartial guide to...

Compulsory purchase

Notice | Compensation | Claim



RICS

The mark of
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www.rics.org/usefulguides

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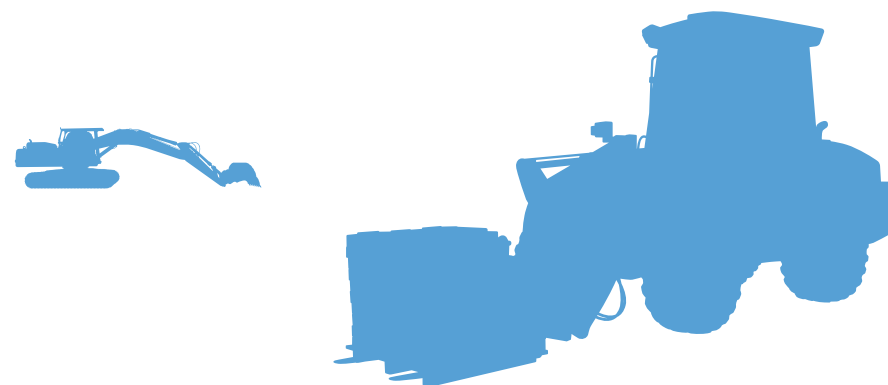
What are compulsory purchase and statutory rights?

This is when the government, local council or utility company has the legal right to buy or take rights over your private property if it falls within a public or private construction project such as:

- Airport expansions
- Electricity pylons and cables
- Flood defence works
- Housing developments
- Rail or road building projects
- Sewer, water or gas pipe schemes.

Different compulsory purchase or statutory powers are needed to implement the above schemes. For example, water pipes are laid under statutory rights under the Water Industry Act 1991 and a road bypass will have its own compulsory purchase order through the Acquisition of Land Act 1981.

In some cases, the owners and occupiers of the properties to be acquired or affected by the scheme will be served Notices, with differing expiry times. If you own an easement, under the legislation you are not entitled to a Notice. All schemes provide compensation to owners and occupiers directly affected by the scheme.



What to do if you're served with a Notice

If you get a request from an authority to survey your land, ask for details of the scheme. Call the RICS helpline for advice from a chartered surveyor.

If you receive a compulsory purchase order to purchase your land or a statutory notice to lay pipes or cables, call the RICS helpline for advice.

It's up to you to tell the authority how their scheme will affect you. For example, how will it affect the enjoyment of your property? Can you still access the other end of the garden?

Ask for 'accommodation works'. These can help limit the effects of schemes on your property. For example, an underpass to access severed land or adding extra trees to lessen traffic noise.

Claimants reasonable professional fees can be claimed from the authority concerned.

Above all, act as soon as possible.

For further information about compulsory purchases please visit www.rics.org/compulsorypurchase

Call the RICS Compulsory Purchase helpline

0870 333 1600

The helpline will put you in touch with an experienced local RICS member who will provide you with up to 30 minutes free advice.

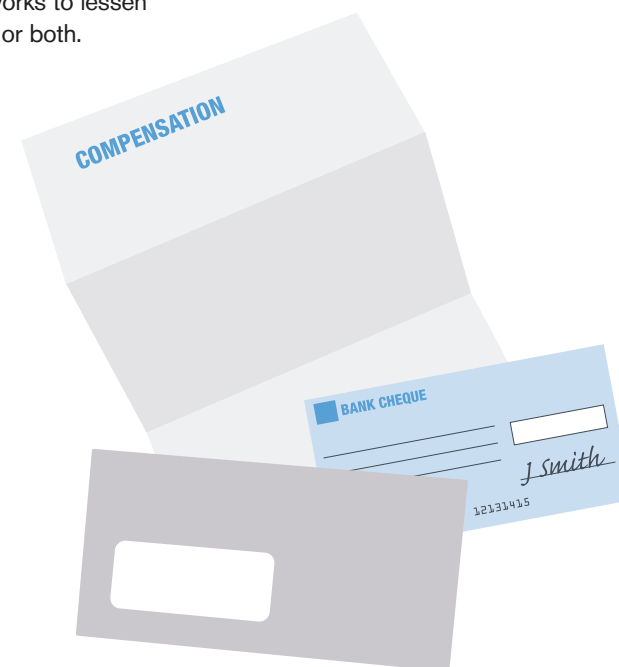
What compensation is available and how do I claim it?

Compensation is paid to reflect the losses and disturbance caused by a compulsory purchase or statutory scheme on an owner or occupier's property.

Compensation is based on the market value of the land taken ignoring any increase which the acquisition/development may add to the value. For more information refer to the Land Compensation Act 1961. The losses must be unavoidable and as a direct result of the scheme. Compensation may either be a range of payments or accommodation works (works to lessen the effect of the scheme) or both.

It's up to the claimant to prove any losses to claim for compensation. In the majority of cases, the acquiring authority may offer an advance payment of compensation depending on the rights or the land taken.

People whose property suffers a loss in value due to the operation of a nearby scheme, may also be able to claim compensation.



Free RICS guides



RICS have a range of free guides available for the property issues listed below.

- Buying a home
- Selling your home
- Property surveys
- Extending your home
- Subsidence
- Boundary disputes
- Party walls
- Right to light
- Compulsory purchase
- Letting a property
- Renting a property
- Flooding
- Property auctions
- Buying and selling art and antiques at auction

To order your free copies, visit www.rics.org/usefulguides

alternatively email contactrics@rics.org

or call the RICS Contact Centre **0870 333 1600**

Consumer helplines

RICS offers telephone helplines giving you 30 minutes free advice on:

- Boundary disputes
- Party walls
- Compulsory purchase

Just call **0870 333 1600** and you will be put in touch with an RICS member local to you, willing to provide a free 30 minute initial consultation. Lines are open 0830 - 1730 (GMT), Monday to Friday.

RICS Neighbourly Dispute Service

The RICS Dispute Resolution Service (DRS) provides access to a specialist panel of expert Chartered Surveyors with experience of resolving neighbourly boundary disputes. This can involve expert determination of the boundary and mediation of a dispute. Therefore, you do have an alternative to formal litigation if any doubt or uncertainty exists between parties on the correct boundary line following the flood.

Email drs@rics.org

Call **+44 (0)20 7334 3806**

Fax **+44(0)20 7334 3802**

Find an RICS member

If you want to find independent, impartial advice from a qualified professional with good local knowledge, contact us.

Look out for firms that are 'Regulated by RICS'. Estate agents and surveying firms that are regulated by RICS will be easier to spot as they will be using 'Regulated by RICS' on their stationery and advertising material.

To find a chartered surveyor in your area visit www.ricsfirms.com

alternatively email contactrics@rics.org

or call the RICS Contact Centre **0870 333 1600**

RICS (Royal Institution of Chartered Surveyors) is the leading organisation of its kind in the world for professionals in property, land, construction and related environmental issues. As part of our role we help to set, maintain and regulate standards – as well as providing impartial advice to Governments and policymakers. RICS has 140,000 members who operate out of 146 countries, supported by an extensive network of regional offices located in every continent around the world. To ensure that our members are able to provide the quality of advice and level of integrity required by the market, RICS qualifications are only awarded to individuals who meet the most rigorous requirements for both education and experience and who are prepared to maintain high standards in the public interest. With this in mind it's perhaps not surprising that the letters RICS represent the mark of property professionalism worldwide.

Your local RICS member

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