
Changes to legislation: There are currently no known outstanding effects for the Channel Tunnel Act 1987, Section D. (See end of Document for details)

SCHEDULE 2

SUPPLEMENTARY PROVISIONS AS TO THE SCHEDULED WORKS AND OTHER AUTHORISED WORKS

PART II

REGULATION OF SCHEDULED WORKS AND SUBSIDIARY PROVISIONS

SECTION D

PROVISIONS APPLICABLE TO CONCESSIONAIRES, COUNTY COUNCIL AND RAILWAYS BOARD

Use of sewers, etc. for removing water

- 14 (1) The appropriate authority may use for the discharge of any water pumped or found during the construction of the scheduled works or any works in connection with those works any available stream or watercourse or any public sewer, and for that purpose may lay down, take up and alter conduits, pipes and other works and may make any convenient connections with any such stream, watercourse or public sewer within the limits of deviation for their scheduled works.
- (2) The appropriate authority shall not under the powers of this paragraph discharge any water into any sewer vested in or under the control of a water authority, internal drainage board or local authority except with the consent of that authority or board (which shall not be unreasonably withheld) and subject to such terms and conditions as that authority or board may reasonably impose; and the appropriate authority shall not make an opening into any such sewer except in accordance with plans reasonably approved by, and under the superintendence (if given) of, that authority or board.
- (3) The discharge of water under the powers conferred by this paragraph into any stream shall not prejudice the application of Part II of the ^{M1}Control of Pollution Act 1974 but section 31 of that Act shall have effect in relation to discharges under the powers of this paragraph into any relevant waters within the meaning of that section as if no matter so discharged were trade or sewage effluent or other matter mentioned in subsection (2)(e) of that section.
- (4) In the exercise of their powers under this paragraph the appropriate authority shall not damage or interfere with—
- (a) the bed of any watercourse forming part of the main river of a water authority or the banks thereof within the meaning of section 116 of the ^{M2}Land Drainage Act 1976; or
 - (b) a metropolitan watercourse within the meaning of paragraph 1 of Schedule 5 to that Act.
- (5) The appropriate authority shall take all such steps as may be reasonably required to secure that any water discharged under the powers of this paragraph shall be as free as may be reasonably practicable from any gravel, chalk, soil or other solid substance or matter in suspension.

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- (6) Any difference arising between the appropriate authority and a water authority, internal drainage board or local authority under this paragraph shall be determined by arbitration.

Marginal Citations

- M1** 1974 c. 40.
M2 1976 c. 70.

Underpinning of buildings

- 15 (1) If in the construction of any of the scheduled works or any works in connection with any such work (“the work in question”) it becomes necessary to do so, the appropriate authority may, and if required by the owner or lessee shall, underpin or otherwise strengthen any building within 35 metres of the work in question in accordance with the provisions of this paragraph.
- (2) Except in case of emergency, the appropriate authority shall give to the owner, lessee or occupier of a building, or the owner or lessee of a building shall give to the appropriate authority, at least 28 days’ notice in writing of the intention or (as the case may be) requirement, to underpin or otherwise strengthen that building under this paragraph, and if within 21 days of the giving of such notice the owner, lessee or occupier or (as the case may be) the appropriate authority give a counter-notice in writing disputing the necessity of the underpinning or strengthening, the question of necessity shall be settled by arbitration.
- (3) The appropriate authority may, at any time after the underpinning or strengthening of any building under the foregoing provisions of this paragraph is completed and before the expiration of a period of five years from the bringing into use of the work in question, enter upon and survey the building and, after complying with the foregoing provisions of this paragraph, carry out such further underpinning or strengthening of the building as they may deem necessary or expedient or, if the owner, lessee or occupier of the building disputes the necessity or expediency, as may be settled by arbitration.
- (4) Where any question of necessity or expediency is referred to arbitration under the foregoing provisions of this paragraph and the arbitrator, after inspecting the building, decides that the underpinning or strengthening is necessary or (as the case may be) that the further underpinning or strengthening is necessary or expedient, the arbitrator may, and if so required by the owner, lessee or occupier shall, prescribe the manner in which the underpinning or strengthening is to be carried out and the appropriate authority shall underpin or strengthen the building accordingly.
- (5) For the purpose of determining how to exercise their powers and duties under this paragraph the appropriate authority may at any reasonable time enter and survey any building within 35 metres of any of their scheduled works.
- (6) The appropriate authority shall pay compensation to the owner, lessee and occupier of every building underpinned or strengthened in pursuance of the powers conferred by this paragraph for any damage which they may suffer by reason of the exercise of those powers.

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- (7) Nothing in this paragraph shall affect liability to compensate under section 6 of the ^{M3}Railways Clauses Consolidation Act 1845, as incorporated with this Act, or section 10(2) of the ^{M4}Compulsory Purchase Act 1965, as applied by section 37 of this Act, or under any other enactment, except so far as compensation is payable under sub-paragraph (6) above.
- (8) Any dispute as to a person's entitlement to compensation under this paragraph, or as to the amount of the compensation, shall be determined under and in accordance with Part I of the ^{M5}Land Compensation Act 1961.
- (9) Section 30 of the Compulsory Purchase Act 1965 shall apply to the service of notices under this paragraph with any necessary modifications.
- (10) In this paragraph "building" includes any structure and, in the case of a work under the surface of the ground, reference to a building within 35 metres of that work includes reference to any building within 35 metres of the point on the surface below which the work is situated.

Marginal Citations

M3 1845 c. 20.

M4 1965 c. 56.

M5 1961 c. 33.

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