

SCHEDULES

SCHEDULE 2

WORKS: FURTHER AND SUPPLEMENTARY PROVISIONS

Underpinning of buildings

- 6 (1) This paragraph applies where it is necessary or expedient in consequence of or in connection with the construction of any of the works authorised by this Part of this Act to underpin or strengthen a building within the relevant distance of the work.
- (2) The nominated undertaker may underpin or strengthen the building on giving at least 28 days' notice to the owners and occupiers of the building of its intention to do so.
- (3) If, within 21 days of the giving of a notice under sub-paragraph (2) above, the person to whom the notice has been given gives to the nominated undertaker notice disputing that this paragraph applies, the question of its application shall be referred to arbitration.
- (4) If, under sub-paragraph (3) above, the arbitrator decides that this paragraph does apply, he shall, if one of the parties to the dispute so requires, prescribe how the underpinning or strengthening is to be carried out.
- (5) Where the underpinning or strengthening of a building under this paragraph cannot be carried out reasonably conveniently without entering land adjacent to the building, the nominated undertaker may, on giving at least 14 days' notice to the owners and occupiers of the adjacent land, enter the land (but not any building on it) and carry out the work.
- (6) In case of emergency, the power conferred by sub-paragraph (2) or (5) above shall be exercisable without notice.
- (7) For the purpose of deciding how to exercise its powers under this paragraph, the nominated undertaker may at any reasonable time enter and survey—
- (a) any building within the relevant distance of any of the works authorised by this Part of this Act, or
 - (b) any land adjacent to such a building (but not any building on any such land).
- (8) Section 6 of the Acquisition of Land Act 1981 (service of documents) shall apply to the service of notices under this paragraph with, in subsection (4), the substitution for the words from “authority” to “document is to be served” of “nominated undertaker”.
- (9) 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 the relevant distance of that work includes a reference to any building within the relevant distance of any point on the surface below which the work is situated,
 - “notice” means notice in writing, and
 - “relevant distance”, in relation to any work, means—

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- (i) where the work relates to an underground railway, 50 metres, and
 - (ii) where it does not, 35 metres.
- 7 (1) This paragraph applies where it is necessary or expedient in consequence of or in connection with the construction of any of the works authorised by this Part of this Act further to underpin or strengthen a building which has been underpinned or strengthened under paragraph 6 above.
- (2) The nominated undertaker may, at any time within the permitted period, further underpin or strengthen the building on giving at least 28 days' notice to the owners and occupiers of the building of its intention to do so.
- (3) If, within 21 days of the giving of a notice under sub-paragraph (2) above, the person to whom the notice has been given gives to the nominated undertaker notice disputing that this paragraph applies, the question of its application shall be referred to arbitration.
- (4) If, under sub-paragraph (3) above, the arbitrator decides that this paragraph does apply, he shall, if one of the parties to the dispute so requires, prescribe how the underpinning or strengthening is to be carried out.
- (5) Where the underpinning or strengthening of a building under this paragraph cannot be carried out reasonably conveniently without entering land adjacent to the building, the nominated undertaker may, on giving at least 14 days' notice to the owners and occupiers of the adjacent land, enter the land (but not any building on it) and carry out the work.
- (6) In case of emergency, the power conferred by sub-paragraph (2) or (5) above shall be exercisable without notice.
- (7) For the purpose of deciding how to exercise its powers under this paragraph, the nominated undertaker may at any reasonable time enter and survey—
- (a) any building which has been underpinned or strengthened under paragraph 6 above, or
 - (b) any land adjacent to such a building (but not any building on any such land).
- (8) Section 6 of the Acquisition of Land Act 1981 (service of documents) shall apply to the service of notices under this paragraph with, in subsection (4), the substitution for the words from “authority” to “document is to be served” of “nominated undertaker”.
- (9) In sub-paragraph (2) above, the reference to the permitted period is to the period beginning with the completion of the underpinning or strengthening under paragraph 6 above and ending 5 years after the date on which the work which necessitated the underpinning or strengthening was brought into general use.
- (10) In this paragraph, “notice” means notice in writing.
- 8 (1) Where the nominated undertaker exercises any power under paragraph 6 or 7 above, it shall compensate the owners and occupiers of the building or land in relation to which the power is exercised for any loss which they may suffer by reason of the exercise of the power.
- (2) Any dispute as to a person’s entitlement to compensation under sub-paragraph (1) above, or as to the amount of the compensation, shall be determined under and in accordance with Part I of the Land Compensation Act 1961.

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- (3) Nothing in this paragraph shall affect liability to pay compensation under section 6 of the Railways Clauses Consolidation Act 1845, as incorporated with this Act, or section 10(2) of the Compulsory Purchase Act 1965, as applied to the acquisition of land under section 4(1) above, or under any other enactment, otherwise than for loss for which compensation is payable under sub-paragraph (1) above.