

CROSSRAIL ACT 2008

EXPLANATORY NOTES

COMMENTARY ON SCHEDULES

Schedule 10 – Heritage: rights of entry

235. *Schedule 10* seeks to give certain targeted rights of entry to English Heritage, given that their traditional rights of entry are in effect disapplied or qualified by virtue of Schedule 9.
236. *Paragraph 1* provides for anyone authorised by the Historic Buildings and Monuments Commission (“the Commission”) to enter land on which a scheduled monument is situated to inspect, advise and observe as appropriate. Anyone authorised by the Commission may also enter any land in Greater London for the purpose of inspecting or observing the works in respect of any building that would, but for Schedule 9, require listed building consent or conservation area consent. These rights are not to be exercised if the nominated undertaker considers that it not safe to do so, and any person exercising the rights will have to comply with directions from the nominated undertaker in respect of compliance with health and safety requirements.
237. *Paragraph 2* requires the nominated undertaker to give notice to the Commission of any demolition of any building that they would, but for Schedule 9, require listed building consent. At least eight weeks notice is required, longer if agreed with the Commission, though in cases of emergency shorter notice can be given.
238. *Paragraph 3* provides for anyone authorised by the Commission to enter the building concerned to record it in advance of any such demolition. Again, this right is not to be exercised if the nominated undertaker considers that it not safe to do so, and any person exercising the right will have to comply with directions from the nominated undertaker in respect of compliance with health and safety requirements.