

SCHEDULES

SCHEDULE 2

WORKS

PART 1

FURTHER AND SUPPLEMENTARY PROVISIONS

Support of buildings

- 3 (1) The nominated undertaker may, at any time within the permitted period, further support or strengthen a building which has been supported or strengthened under paragraph 2 if—
- (a) it is necessary or expedient, in consequence of or for the purposes of or in connection with the construction of any of the works authorised by this Act, for the building to be further supported or strengthened, and
 - (b) the nominated undertaker gives at least 8 weeks' notice to the owners and occupiers of the building of its intention further to support or strengthen it.
- (2) In sub-paragraph (1), “the permitted period” is the period beginning with the completion of the supporting or strengthening under paragraph 2 and ending 5 years after the date on which the work which necessitated the supporting or strengthening was brought into general use.
- (3) If, within 21 days of the giving of a notice under sub-paragraph (1)(b), the person to whom the notice has been given gives to the nominated undertaker notice disputing that the condition in sub-paragraph (1)(a) is met, the dispute must be referred to arbitration.
- (4) If—
- (a) under sub-paragraph (3), the arbitrator decides that the condition in sub-paragraph (1)(a) is met, and
 - (b) one of the parties to the dispute so requires,
- the arbitrator must prescribe how the supporting or strengthening is to be carried out.
- (5) Where the supporting 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 under sub-paragraph (1) or (5) is exercisable without notice.
- (7) For the purpose of deciding whether or how to exercise its powers under this paragraph, the nominated undertaker may enter and survey—

Status: This is the original version (as it was originally enacted).

- (a) any building which has been supported or strengthened under paragraph 2, or
 - (b) any land adjacent to such a building (but not any building on any such land).
- (8) Paragraph 2(7) (power to place and leave equipment or material) applies for the purposes of this paragraph.