



Heathrow Express Railway Act 1991

1991 CHAPTER vii

PART II

WORKS, ETC.

17 Underpinning of buildings near works

- (1) The appropriate authority at their own costs and charges may, subject as hereinafter provided, underpin or otherwise strengthen any house or building within 35 metres of any of the works and the following provisions shall have effect:—
 - (a) At least 14 days' notice shall (except in case of emergency) be given to the owner, lessee and occupier of the house or building intended to be so underpinned or otherwise strengthened;
 - (b) Each such notice shall be served in manner prescribed by section 30 of the Act of 1965, as applied by this Act;
 - (c) If any owner, lessee or occupier of any such house or building shall, within 10 days after the giving of such notice, give a counter-notice in writing that he disputes the necessity of such underpinning or strengthening, the question of the necessity shall be settled by arbitration;
 - (d) In any case in which any house or building shall have been underpinned or strengthened under the powers of this section the appropriate authority may, from time to time after the completion of such underpinning or strengthening, and during the execution of the work in connection with which such underpinning or strengthening was done, or within five years after the opening for traffic of that work, enter upon and survey such house or building and, after complying with the foregoing provisions of this section, do such further underpinning or strengthening as they may deem necessary or expedient;
 - (e) The appropriate authority shall be liable to compensate the owner, lessee and occupier of every such house or building for any loss or damage which may result to them by reason of the exercise of the powers of this section;
 - (f) Nothing in this section nor any dealing with any property under this section shall relieve the appropriate authority from the liability to compensate under section 10(2) of the Act of 1965, as applied by this Act, or under any other

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enactment in respect of loss or damage arising from the execution of any works, other than works of underpinning or strengthening authorised by this section;

- (g) Every case of compensation to be ascertained under this section shall be ascertained according to the provisions of the Land Compensation Act 1961.
- (2) The appropriate authority shall, so far as is reasonably practicable, so exercise the powers of this section as not to obstruct or render less convenient the access to any telecommunication apparatus (within the meaning of paragraph 1 of Schedule 2 to the Telecommunications Act 1984) belonging to, or used by, the operator of any telecommunications code system (within the meaning of Schedule 4 to the said Act of 1984).