



London Underground (Green Park) Act 1994

1994 CHAPTER ix

PART II

WORKS, ETC.

10 Safeguarding works to buildings

- (1) In connection with the works, the Company at their own cost may, subject as hereinafter provided, carry out safeguarding works to any building situated within 35 metres of the works and for that purpose may enter any such building or any land belonging thereto.
- (2) In connection with the safeguarding works authorised by subsection (1) above, the following provisions shall have effect:—
 - (a) before exercising the powers of subsection (1) above at least 14 days' notice shall, except in cases of emergency, be given to the owners, lessees and occupiers of the building in respect of which safeguarding works are proposed;
 - (b) a notice shall be served in the manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845;
 - (c) if any owner, lessee or occupier of any such building, within 10 days after the giving of such notice, gives a counter-notice in writing that he disputes the necessity of such safeguarding works, the question of necessity shall be referred to and settled by arbitration;
 - (d) the Company shall compensate the owners, lessees and occupiers of every such building for any loss or damage which may result to them by reason of the exercise by the Company of the powers of this section;
 - (e) in any case where safeguarding works have been carried out to any building under the powers of this section, the Company may, from time to time after the completion of such safeguarding works, and during the execution of the works in connection with which such safeguarding works were done, or before

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- the expiry of five years after the opening for public use of the works, enter upon and survey such building and do such further safeguarding works as they may deem necessary or expedient or, in case of dispute between the Company and the owner, lessee or occupier of the building, as may be determined by arbitration;
- (f) if the safeguarding works carried out by the Company to any building under the powers of this section prove at any time before the expiry of five years from the opening for public use of the works in connection with which such safeguarding works were carried out to be inadequate for the support or protection of the building against further damage arising from the execution of the works, the Company shall compensate the owner, lessee and occupier of the building for such damage;
 - (g) nothing in this section or in any dealing with any property in pursuance of this section shall relieve the Company from liability to compensate under section 68 of the Lands Clauses Consolidation Act 1845;
 - (h) every case of compensation to be ascertained under this section shall be determined in accordance with Part I of the Land Compensation Act 1961.
- (3) For the purpose of determining whether and, if so, how to exercise their powers and how to discharge their duties under this section, the Company may at any reasonable time enter and survey any building to which subsection (1) above applies.
- (4) To enable them to carry out the safeguarding works authorised by subsection (1) above, the Company may stop up, divert, break open and interfere with any street or footpath, whether public or private, or any other open space which is adjacent to any building to which safeguarding works are to be carried out.
- (5) In this section—
- (a) “building” includes any structure or any part of a building or structure and, in the case of so much of the works as are constructed below the surface of the ground, reference to a building within 35 metres of those works includes reference to any building within 35 metres of the point on the surface below which those works are situated;
 - (b) “safeguarding works” includes underpinning, strengthening and any other works which in the reasonable opinion of the Company might prevent damage to any building which may arise as a result of the construction of the works; and
 - (c) “the works” does not include safeguarding works.