

SCHEDULES

SCHEDULE 2

WORKS

Support of buildings and apparatus etc

- 2 (1) The nominated undertaker may support or strengthen a building within 50 metres of any of the works authorised by this Act if—
- (a) it is necessary or expedient, in consequence of or for the purposes of or in connection with the construction of the work, for the building to be 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 to support or strengthen it.
- (2) 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.
- (3) If—
- (a) on a referral under sub-paragraph (2) 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.
- (4) 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.
- (5) In case of emergency, the power under sub-paragraph (1) or (4) is exercisable without notice.
- (6) For the purpose of deciding whether or how to exercise its powers under this paragraph, the nominated undertaker may enter and survey—
- (a) any building within 50 metres of any of the works authorised by this Act, or
 - (b) any land adjacent to such a building (but not any building on any such land).
- (7) Before exercising the power under sub-paragraph (6), the nominated undertaker must give at least 14 days' notice to the owners and occupiers of the building or land of its intention to enter and survey the building or land.
- (8) The nominated undertaker may, in connection with the exercise of the power under this paragraph to support or strengthen a building, place and leave (temporarily or permanently) any equipment or material in, next to or under the building or on or under land in the vicinity of the building.

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- 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) on a referral 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—
- (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) Before exercising the power under sub-paragraph (7), the nominated undertaker must give at least 14 days' notice to the owners and occupiers of the building or land of its intention to enter and survey the building or land.
- (9) Paragraph 2(8) (power to place and leave equipment or material) applies for the purposes of this paragraph.
- 4 (1) The nominated undertaker may, for a purpose mentioned in sub-paragraph (2), affix movement-measuring apparatus to a building within 50 metres of any of the works authorised by this Act on giving at least 8 weeks' notice to the owners and occupiers of the building of its intention to do so.
- (2) The purposes referred to in sub-paragraph (1) are—
- (a) determining the extent of any movement in the building;
 - (b) determining the effectiveness of support or strengthening work in respect of the building under paragraph 2 or 3.

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- (3) In a case where movement-measuring apparatus is to be affixed inside a building, the notice under sub-paragraph (1) must state that fact.
 - (4) If, within 21 days of the giving of the notice under sub-paragraph (1), the person to whom the notice has been given gives to the nominated undertaker notice objecting to the affixing of movement-measuring apparatus (generally or in relation to how or where it is affixed), the question must be referred to arbitration.
 - (5) Where, on a referral under sub-paragraph (4), the arbitrator decides that movement-measuring apparatus may be affixed to the building, the arbitrator must, if the nominated undertaker or the person who made the objection so requires, prescribe how or where the affixing of the apparatus is to be carried out.
 - (6) Where the affixing of movement-measuring apparatus 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 affixing.
 - (7) The nominated undertaker may—
 - (a) maintain, repair or alter the position of movement-measuring apparatus affixed under sub-paragraph (1);
 - (b) take readings or data from any such apparatus.
 - (8) In case of emergency, the power under sub-paragraph (1) or (6) is exercisable without notice.
 - (9) For the purpose of deciding whether or how to exercise its powers under this paragraph, the nominated undertaker may enter and survey—
 - (a) any building within 50 metres of any of the works authorised by this Act, or
 - (b) any land adjacent to such a building (but not any building on any such land).
 - (10) In this paragraph, “movement-measuring apparatus” means apparatus for use in measuring any movement in a building or the ground on which a building is erected.
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- (1) The nominated undertaker may replace, support or strengthen apparatus belonging to a utility undertaker, or relevant pipe-line belonging to a person other than a utility undertaker, where—
 - (a) the apparatus or pipe-line is within 50 metres of any of the works authorised by this Act (“the relevant work”), and
 - (b) the conditions specified in sub-paragraph (2) are met.
 - (2) Those conditions are that—
 - (a) it is necessary or expedient, in consequence of or for the purposes of or in connection with the construction of the relevant work, for the apparatus or pipe-line to be replaced, supported or strengthened,
 - (b) the nominated undertaker gives at least 8 weeks' notice to the owner of the apparatus or pipe-line of its intention to replace, support or strengthen it, and
 - (c) where the nominated undertaker proposes to replace the apparatus or pipe-line, the replacement apparatus or pipe-line is likely to operate at least as effectively as the apparatus or pipe-line which is proposed to be replaced.

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- (3) Paragraphs 2(2) to (8), 3 and 4 apply to the exercise of the power under sub-paragraph (1) as they apply to the exercise of the power under paragraph 2(1), subject to the modifications specified in sub-paragraph (4).
- (4) Those modifications are that—
- (a) references to a building are to be read as references to the apparatus or pipe-line (and references to the support or strengthening of a building are to be read as references to the replacement, support or strengthening of the apparatus or pipe-line);
 - (b) references to the owners and occupiers of a building are to be read as references to the owner of the apparatus or pipe-line;
 - (c) references to land adjacent to a building are to be read, in the case of apparatus or a pipe-line situated below the surface of the ground, as including land above the site of the apparatus or pipe-line;
 - (d) in paragraph 2—
 - (i) the reference in sub-paragraph (2) to a notice under sub-paragraph (1)(b) is to be read as a reference to a notice under sub-paragraph (2)(b) of this paragraph,
 - (ii) references to the condition in sub-paragraph (1)(a) are to be read as references to the conditions in sub-paragraph (2)(a) and (if applicable) (c) of this paragraph, and
 - (iii) in sub-paragraph (8), the reference to placing or leaving equipment or material in, next to or under the building or on or under land in the vicinity of the building were to placing and leaving equipment or material on any land above, next to or below the site of the apparatus or pipe-line, or on or under land in the vicinity of that site.
- (5) In this paragraph, “relevant pipe-line” means—
- (a) a cross-country pipe-line (within the meaning of the Pipe-lines Act 1962), and
 - (b) a local pipe-line (within the meaning of that Act) in relation to the construction of which a direction under section 6 of that Act has or had effect.
- 6 (1) This paragraph has effect for the purposes of paragraphs 2 to 5.
- (2) “Building” includes any structure.
- (3) A building (or, in the case of paragraph 5, apparatus or pipe-line) is within 50 metres of a work if all or part of it is within that distance.
- (4) In the case of a work under the surface of the ground, a reference to a building (or, in the case of paragraph 5, apparatus or pipe-line) within 50 metres of that work includes a reference to a building (or apparatus or pipe-line) all or part of which is within 50 metres of any point on the surface below which the work is situated.

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