

## SCHEDULES

### SCHEDULE 2

#### WORKS

#### PART 1

##### FURTHER AND SUPPLEMENTARY PROVISIONS

##### *Support of buildings*

- 2 (1) The nominated undertaker may support or strengthen a building within the relevant distance 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) 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 the relevant distance 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) 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

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*Status: This is the original version (as it was originally enacted).*

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permanently) any equipment or material in, next to or under the building or on or under land in the vicinity of the building.