

SCHEDULES

SCHEDULE 2

WORKS

PART 1

FURTHER AND SUPPLEMENTARY PROVISIONS

Support of buildings

- 4 (1) The nominated undertaker may, for a purpose mentioned in sub-paragraph (2), affix movement-measuring apparatus to a building within the relevant distance 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.
- (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, 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.

Status: This is the original version (as it was originally enacted).

- (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 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).
- (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.