

SCHEDULES

SCHEDULE 22

BUILDINGS

Raising of chimneys

- 4 (1) This paragraph applies where—
- (a) the nominated undertaker is given a notice under section 73(1) of the 1984 Act (notice requiring chimney of adjoining building to be raised and requiring owner or occupier of that building to allow access to it for that purpose),
 - (b) the taller building is a building held, or to be held, by the Secretary of State or the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under this Act, and
 - (c) the owner or occupier of the adjoining building referred to in section 73(1)(b) of the 1984 Act serves a counter-notice on the nominated undertaker.
- (2) The owner or occupier of the adjoining building may not enter upon relevant Phase One land, for the purposes of carrying out the work to which the counter-notice relates, without the consent of the Secretary of State or the nominated undertaker.
- (3) “Relevant Phase One land” means land held by the Secretary of State or the nominated undertaker and used, or intended for use, by the nominated undertaker for the purposes of its undertaking under the Act.
- (4) Where, by reason of the withholding of consent for the purposes of sub-paragraph (2), the owner or occupier of the adjoining building is unable to carry out the work to which the counter-notice relates, the counter-notice ceases to have effect.
- (5) In this paragraph, references to “the taller building” and a “counter-notice” are to be construed in accordance with section 73 of the 1984 Act.