

SCHEDULES

SCHEDULE 2

WORKS

Support of buildings and apparatus etc

- 5 (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.
- (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

Changes to legislation: There are currently no known outstanding effects for the High Speed Rail (West Midlands - Crewe) Act 2021, Paragraph 5. (See end of Document for details)

(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.

Changes to legislation:

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