
STATUTORY INSTRUMENTS

2002 No. 1065

The Piccadilly Line (Heathrow T5 Extension) Order 2002

PART II

WORKS PROVISIONS

Supplemental powers

Safeguarding works to buildings

7.—(1) Subject to the following provisions of this article, the Company may at its own expense and from time to time carry out such safeguarding works to any building lying within 50 metres of any authorised works (other than works under this article) as the Company considers to be necessary or expedient.

(2) The powers conferred by this article shall not be exercised outside the limits of deviation except in the area coloured pink on the plan marked “Plan referred to in article 7 of the Piccadilly Line (Heathrow T5 Extension) Order 2002” and deposited with the Secretary of State.

(3) Safeguarding works may be carried out—

- (a) at any time before or during the construction in the vicinity of the building of any part of the authorised works; or
- (b) after the completion of the construction of that part of the authorised works, at any time up to the end of the period of 5 years beginning with the day on which that part of the authorised works is first opened for use.

(4) Subject to paragraph (2) above, for the purpose of determining how the functions under this article are to be exercised the Company may enter and survey any building falling within paragraph (1) above and any land belonging to it.

(5) For the purpose of carrying out safeguarding works under this article to a building the Company may (subject to paragraphs (2) above and (6) and (7)) below—

- (a) enter the building and any land belonging to it; and
- (b) where the works cannot be carried out reasonably conveniently without entering land adjacent to the building, enter the adjacent land (but not any building erected on it).

(6) Before exercising—

- (a) a right under paragraph (1) above to carry out safeguarding works to a building;
- (b) a right under paragraph (4) above to enter a building;
- (c) a right under paragraph (5)(a) above to enter a building or land; or
- (d) a right under paragraph (5)(b) above to enter land,

the Company shall, except in case of emergency, serve on the owners and occupiers of the building or land not less than 14 days' notice of its intention to exercise that right and, in a case falling within sub-paragraph (a) or (c) above, specifying the safeguarding works proposed to be carried out.

(7) Where notice is served under paragraph (6)(a), (c) or (d) above, the owner or occupier of the building or land concerned may, by serving a counter-notice within the period of 10 days beginning with the day on which the notice was served, require the question whether it is necessary or expedient to carry out the safeguarding works or to enter the building or land to be referred to arbitration under article 29 below.

(8) The Company shall compensate the owners and occupiers of any building or land in relation to which the powers of this article have been exercised for any loss or damage arising to them by reason of the exercise of those powers.

(9) Where—

- (a) safeguarding works are carried out under this article to a building, and
- (b) within the period of 5 years beginning with the day on which the part of the authorised works constructed within the vicinity of the building is first opened for use it appears that the safeguarding works are inadequate to protect the building against damage caused by the construction or operation of that part of the works,

the Company shall compensate the owners and occupiers of the building for any damage sustained by them.

(10) Without prejudice to article 28 below, nothing in this article shall relieve the Company from any liability to pay compensation under section 10(2) of the 1965 Act.

(11) Any compensation payable under paragraph (8) or (9) above shall be determined, in case of dispute, under Part I of the Land Compensation Act 1961(1).

(12) In this article—

- (a) any reference to a building within 50 metres of a work includes—
 - (i) in the case of a work under the surface of the ground, a reference to any building within that distance of the point on the surface below which the work is situated; and
 - (ii) where a work has not commenced, a reference to a building within that distance of the proposed site of the work; and
- (b) “safeguarding works”, in relation to a building, means—
 - (i) underpinning, strengthening and any other works the purpose of which is to prevent damage which may be caused to the building by the construction, maintenance or operation of the authorised works; and
 - (ii) any works the purpose of which is to remedy any damage that has been caused to the building by the construction, maintenance or operation of the authorised works.