

### SCHEDULE 3

Article 12(4)

#### SAFEGUARDING WORKS: PROCEDURE

1. For the purpose of determining how the powers conferred by article 12 are to be exercised, Network Rail may enter and survey any building falling within paragraph (2) of that article and any land belonging to the building and may affix to, place or leave on and remove from the building or land apparatus for use in connection with the survey.

2. For the purpose of carrying out safeguarding works to a building under article 12, Network Rail may (subject to paragraphs 3 and 4)—

- (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.

3. Before exercising—

- (a) a right under article 12 to carry out safeguarding works to a building;
- (b) a right under paragraph 1 to enter a building or land;
- (c) a right under paragraph 2(a) to enter a building or land; or
- (d) a right under paragraph 2(b) to enter land,

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

4. Where notice is served under paragraph 3(a), (c) or (d), the owner or occupier of the building or land concerned may, by serving a written 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 determined by arbitration.