
Status: Point in time view as at 01/03/2000.

Changes to legislation: There are currently no known outstanding effects for the Channel Tunnel Rail Link Act 1996, Paragraph 7. (See end of Document for details)

SCHEDULES

SCHEDULE 2

WORKS: FURTHER AND SUPPLEMENTARY PROVISIONS

Underpinning of buildings

- 7 (1) This paragraph applies where it is necessary or expedient in consequence of or in connection with the construction of any of the works authorised by this Part of this Act further to underpin or strengthen a building which has been underpinned or strengthened under paragraph 6 above.
- (2) The nominated undertaker may, at any time within the permitted period, further underpin or strengthen the building on giving at least 28 days' notice to the owners and occupiers of the building of its intention to do so.
- (3) If, within 21 days of the giving of a notice under sub-paragraph (2) above, the person to whom the notice has been given gives to the nominated undertaker notice disputing that this paragraph applies, the question of its application shall be referred to arbitration.
- (4) If, under sub-paragraph (3) above, the arbitrator decides that this paragraph does apply, he shall, if one of the parties to the dispute so requires, prescribe how the underpinning or strengthening is to be carried out.
- (5) Where the underpinning or strengthening of a building 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 work.
- (6) In case of emergency, the power conferred by sub-paragraph (2) or (5) above shall be exercisable without notice.
- (7) For the purpose of deciding how to exercise its powers under this paragraph, the nominated undertaker may at any reasonable time enter and survey—
- (a) any building which has been underpinned or strengthened under paragraph 6 above, or
 - (b) any land adjacent to such a building (but not any building on any such land).
- (8) Section 6 of the ^{M1}Acquisition of Land Act 1981 (service of documents) shall apply to the service of notices under this paragraph with, in subsection (4), the substitution for the words from “authority” to “document is to be served” of “nominated undertaker”.
- (9) In sub-paragraph (2) above, the reference to the permitted period is to the period beginning with the completion of the underpinning or strengthening under paragraph 6 above and ending 5 years after the date on which the work which necessitated the underpinning or strengthening was brought into general use.

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(10) In this paragraph, “notice” means notice in writing.

Modifications etc. (not altering text)

C1 Sch. 2 para. 7 applied (with modifications) (22.3.2001) by S.I. 2001/1451, art. 15(1), Sch. 3 paras. 1(b), 5

Marginal Citations

M1 1981 c. 67.

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