

Status: Point in time view as at 01/04/2009.

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SCHEDULES

SCHEDULE 2

Section 2

WORKS: FURTHER AND SUPPLEMENTARY PROVISIONS

Additional works

- 1 (1) The nominated undertaker may, for the purposes of or in connection with the scheduled works or otherwise for the purposes of or in connection with Crossrail, do any of the following within the limits of deviation for the scheduled works or within the limits of land to be acquired or used—
 - (a) carry out and maintain railway electrification and signalling works;
 - (b) make, provide and maintain all such approaches, bridges, subways, interchanges, roundabouts, turning places, lifts, stairs, escalators, ramps, passages, means of access, shafts, buildings, apparatus, plant and machinery as may be necessary or convenient,
 - (c) construct, provide and maintain all such embankments, aprons, abutments, retaining walls, wing walls, culverts and other works as may be necessary or convenient,
 - (d) alter or remove any structure erected upon any highway or adjoining land,
 - (e) alter, or alter the position of, railway track and any apparatus associated with railway track,
 - (f) alter, or alter the position of, other apparatus, including mains, sewers, drains and cables,
 - (g) alter the course of, or otherwise interfere with, non-navigable rivers, streams or watercourses, and
 - (h) carry out and maintain such other works, of whatever description, as may be necessary or expedient.
- (2) Sub-paragraph (1) shall not authorise the making of any cut for drainage purposes which is more than 3.4 metres wide at the bottom.

Highway accesses

- 2 (1) The nominated undertaker may, for the purposes of or in connection with the works authorised by this Act or otherwise for the purposes of or in connection with Crossrail—
 - (a) form and lay out means of access, and
 - (b) improve existing means of access,at any place within the limits of deviation for the scheduled works or within the limits of land to be acquired or used.
- (2) In the case of works at a place shown on the deposited plans which require the opening of an access onto, or the alteration of, a highway used by vehicular traffic, the power under sub-paragraph (1) is exercisable on giving at least 28 days' notice to the highway authority.

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- (3) Works which are the subject of a notice under sub-paragraph (2) may not be carried out at the place shown on the deposited plans if, within 28 days of the giving of the notice, the highway authority objects to the works being carried out there by giving the nominated undertaker notice to that effect.
- (4) The only ground on which the highway authority may object under sub-paragraph (3) is that works under sub-paragraph (1) should be carried out instead at another place within the relevant limits to prevent or reduce—
 - (a) injury to local amenity, or
 - (b) prejudicial effects on road safety or on the free flow of traffic in the local area,and are reasonably capable of being carried out there.
- (5) If, in the case of works under sub-paragraph (1) at a place shown on the deposited plans, the works require the opening of an access onto, or the alteration of, a highway used by vehicular traffic, they shall be carried out in accordance with plans and specifications approved by the highway authority at the request of the nominated undertaker.
- (6) The only ground on which the highway authority may refuse to approve plans or specifications for the purposes of sub-paragraph (5) is that they ought to be modified to prevent or reduce—
 - (a) injury to local amenity, or
 - (b) prejudicial effects on road safety or on the free flow of traffic in the local area,and are reasonably capable of being so modified.
- (7) Works under sub-paragraph (1) may only be carried out at a place not shown on the deposited plans if the highway authority consents to the siting of the works, such consent not to be unreasonably withheld.
- (8) Works under sub-paragraph (1) at a place not shown on the deposited plans shall be carried out in accordance with plans and specifications approved by the highway authority at the request of the nominated undertaker, such approval not to be unreasonably withheld.
- (9) In considering whether to give its consent for the purposes of sub-paragraph (7), or approval for the purposes of sub-paragraph (8), in a case where the works require the opening of an access onto, or the alteration of, a highway used by vehicular traffic, the highway authority shall have regard, in particular, to effects on road safety and on the free flow of traffic in the local area.
- (10) If, on application by the nominated undertaker for the approval of plans or specifications under sub-paragraph (5) or (8), the highway authority fails to notify the nominated undertaker of its decision on the application before the end of the period of 28 days beginning with the date on which the application was made, it shall be deemed to have approved the plans or specifications as submitted.
- (11) If a highway authority which receives an application for consent under sub-paragraph (7) fails to notify the applicant of its decision on the application before the end of the period of 28 days beginning with the date on which the application was made, it shall be deemed to have granted it.

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- (12) Where an objection under sub-paragraph (3) leads to the carrying out of works under sub-paragraph (1) at a place not shown on the deposited plans, sub-paragraphs (5), (7) and (8) shall have effect in relation to them as if the place were shown on the deposited plans.
- (13) Any dispute with a highway authority under this paragraph shall, if the parties agree, be referred to arbitration, but shall otherwise be determined by the Secretary of State.

Overhead line diversions

- 3 Without prejudice to paragraph 1(1)(f), the nominated undertaker may, for the purposes of or in connection with the works authorised by this Act, undertake the electric line diversions specified in the following table.

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Overhead line to be taken down</i>	<i>(3)</i> <i>New overhead line to be provided</i>
London Borough of Newham	Overhead electric line (PDK) between points E1, E2 and E3	New overhead electric line to be provided on land within relevant limits between points E1, E4 and E3.
County of Buckinghamshire, District of South Bucks, Parish of Iver	Iver–Longford 132kV overhead electric line (PGB) between points EC1 and EC2.	New overhead electric lines to be provided on land within relevant limits between points EC1, EC3 and EC2 and between points EC1, EC4 and EC2.

Mitigation and protection works

- 4 The nominated undertaker may within the limits of deviation for the scheduled works or within the limits of land to be acquired or used—
- (a) carry out and maintain landscaping and other works to mitigate any adverse effects of the construction, maintenance or operation of any of the works authorised by this Act, and
- (b) carry out and maintain works for the benefit or protection of land affected by any of the works authorised by this Act.

Support of buildings

- 5 (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 Act to support or strengthen a building within the relevant distance of the work.
- (2) The nominated undertaker may support or strengthen the building on giving at least 8 weeks' 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), the person to whom the notice has been given gives to the nominated undertaker notice disputing

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that this paragraph applies, the question of its application shall be referred to arbitration.

- (4) If, under sub-paragraph (3), the arbitrator decides that this paragraph does apply, he shall, if one of the parties to the dispute so requires, prescribe how the supporting or strengthening is to be carried out.
 - (5) Where the supporting 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) 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 within the relevant distance of any of the works authorised by this Act, or
 - (b) any land adjacent to such a building (but not any building on any such land).
 - (8) Section 6 of the Acquisition of Land Act 1981 (c. 67) (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 this paragraph—

“building” includes any structure and, in the case of a work under the surface of the ground, reference to a building within the relevant distance of that work includes a reference to any building within the relevant distance of any point on the surface below which the work is situated,

“notice” means notice in writing, and

“relevant distance”, in relation to any work, means—

 - (a) where the work relates to an underground railway, 50 metres, and
 - (b) where it does not, 35 metres.
- 6
- (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 Act further to support or strengthen a building which has been supported or strengthened under paragraph 5.
 - (2) The nominated undertaker may, at any time within the permitted period, further support or strengthen the building on giving at least 8 weeks' 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), 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), the arbitrator decides that this paragraph does apply, he shall, if one of the parties to the dispute so requires, prescribe how the supporting or strengthening is to be carried out.

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- (5) Where the supporting 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) 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 supported or strengthened under paragraph 5, or
 - (b) any land adjacent to such a building (but not any building on any such land).
- (8) Section 6 of the Acquisition of Land Act 1981 (c. 67) (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), the reference to the permitted period is to the period beginning with the completion of the supporting or strengthening under paragraph 5 and ending 5 years after the date on which the work which necessitated the supporting or strengthening was brought into general use.
- (10) In this paragraph, “notice” means notice in writing.
- 7 (1) Where the nominated undertaker exercises any power under paragraph 5 or 6, it shall compensate the owners and occupiers of the building or land in relation to which the power is exercised for any loss which they may suffer by reason of the exercise of the power.
- (2) Any dispute as to a person's entitlement to compensation under sub-paragraph (1), or as to the amount of the compensation, shall be determined under and in accordance with Part 1 of the Land Compensation Act 1961 (c. 33).
- (3) Nothing in this paragraph shall affect liability to pay compensation under section 6 of the Railways Clauses Consolidation Act 1845 (c. 20), as incorporated with this Act, or section 10(2) of the Compulsory Purchase Act 1965 (c. 56), as applied to the acquisition of land under section 6(1), or under any other enactment, otherwise than for loss for which compensation is payable under sub-paragraph (1).

Discharge of water

- 8 (1) The nominated undertaker may use any watercourse or any public sewer or drain for the drainage of water in connection with the construction or maintenance of the works authorised by this Act and for that purpose may lay down, take up and alter pipes and may, on any land within the limits of deviation for the scheduled works or within the limits of land to be acquired or used, make connections with the watercourse, sewer or drain.
- (2) The nominated undertaker shall not discharge any water into any public sewer or drain except with the consent of the person to whom it belongs; and such consent may be given subject to such terms and conditions as that person may reasonably impose but shall not be unreasonably withheld.

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- (3) The nominated undertaker shall not make any opening into any public sewer or drain except in accordance with plans approved by, and under the superintendence (if provided) of, the person to whom the sewer or drain belongs, but such approval shall not be unreasonably withheld.
- (4) The nominated undertaker shall not, in the exercise of the powers conferred by this paragraph, damage or interfere with the beds or banks of any watercourse forming part of a main river.
- (5) The nominated undertaker shall take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain under the powers conferred by this paragraph is as free as may be practicable from gravel, soil or other solid substance or oil or matter in suspension.
- (6) This paragraph does not authorise the doing of anything prohibited by section 85(1), (2) or (3) of the Water Resources Act 1991 (c. 57) (offences of polluting controlled waters).
- (7) Any dispute as to the giving of consent under this paragraph shall, if the parties agree, be referred to arbitration, but shall otherwise be determined by the Secretary of State.
- (8) In this paragraph—
 - (a) “public sewer or drain” means a sewer or drain which belongs to a sewerage undertaker, the Environment Agency, an internal drainage board, a local authority, an urban development corporation or a harbour authority within the meaning of the Harbours Act 1964 (c. 40),
 - (b) “watercourse” includes rivers, streams, ditches, drains, cuts, culverts, dykes, sluices, sewers and passages through which water flows, except a public sewer or drain, and
 - (c) other expressions used both in this paragraph and in the Water Resources Act 1991 have the same meanings as in that Act.

Entry for preparatory purposes

- 9 (1) The nominated undertaker may, for the purposes of this Act—
 - (a) survey or investigate any land within the limits of deviation for the scheduled works or within the limits of land to be acquired or used or which may be affected by the works authorised by this Act,
 - (b) without prejudice to the generality of paragraph (a), make trial holes in such positions as it thinks fit on any such land to investigate the nature of the surface layer and subsoil and remove soil samples,
 - (c) without prejudice to the generality of paragraph (a), carry out archaeological investigations on any such land,
 - (d) take steps to protect or remove any flora or fauna on any such land which may be affected by the carrying out of the works authorised by this Act,
 - (e) place on, leave on and remove from any such land apparatus for use in connection with the exercise of any of the powers conferred by paragraphs (a) to (d), and
 - (f) enter on any such land for the purpose of exercising any of the powers conferred by paragraphs (a) to (e).

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- (2) No land may be entered, or equipment placed or left on or removed from land, under sub-paragraph (1) unless at least 7 days' notice has been served on every owner and occupier of the land.
- (3) The power conferred by paragraph (f) of sub-paragraph (1) includes power to enter with such vehicles and equipment as are necessary for the purpose of exercising any of the other powers conferred by that sub-paragraph.
- (4) Any person exercising the power conferred by sub-paragraph (1)(f) on behalf of the nominated undertaker shall, if requested to do so, produce written evidence of his authority.
- (5) This paragraph shall not authorise the making of trial holes in a carriageway or footway without the consent of the highway authority, but such consent shall not be unreasonably withheld.
- (6) Any dispute as to the giving of consent under sub-paragraph (5) shall, if the parties agree, be referred to arbitration, but shall otherwise be determined by the Secretary of State.
- (7) The nominated undertaker shall compensate the owners and occupiers of land in respect of which the powers conferred by this paragraph are exercised for any loss which they may suffer by reason of the exercise of those powers.
- (8) Any dispute as to a person's entitlement to compensation under sub-paragraph (7), or as to the amount of the compensation, shall be determined under and in accordance with Part 1 of the Land Compensation Act 1961 (c. 33).

Temporary interference with waterways

- 10 (1) The powers conferred by this paragraph shall be exercisable in relation to the following waterways for the purposes of or in connection with the exercise of the powers conferred by this Act with respect to works—
- the River Thames,
 - the River Lea,
 - West India Dock North and South,
 - Poplar Cut,
 - the Grand Union Canal,
 - the Regent's Canal,
 - Bellmouth Passage,
 - City Mill River, and
 - Frays River.
- (2) The nominated undertaker may—
- (a) temporarily interfere with a waterway mentioned in sub-paragraph (1) at any point within the limits of deviation for the scheduled works or within the limits of land to be acquired or used, by constructing or maintaining such temporary works, or by carrying out such dredging works, as it considers necessary or expedient,
 - (b) temporarily moor or anchor barges or other vessels or craft in a waterway mentioned in sub-paragraph (1), or

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- (c) temporarily close a waterway mentioned in sub-paragraph (1), or a part of such a waterway, to navigation.
- (3) The power conferred by sub-paragraph (2)(c) shall be exercised in a way which secures—
 - (a) that no more of the waterway is closed to navigation at any time than is necessary in the circumstances, and
 - (b) that, if complete closure of the waterway to navigation becomes necessary, all reasonable steps are taken to secure that the minimum obstruction, delay or interference is caused to vessels or craft which may be using or intending to use it.
- (4) The nominated undertaker shall not be liable for any loss suffered, or costs or expenses incurred, by any person as a direct or indirect result of any interference in accordance with this paragraph with a public right of navigation.
- (5) The nominated undertaker shall compensate any person who suffers loss as a result of any interference in accordance with this paragraph with a private right of navigation.
- (6) Any dispute as to a person's entitlement to compensation under sub-paragraph (5), or as to the amount of the compensation, shall be determined under and in accordance with Part 1 of the Land Compensation Act 1961 (c. 33).

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