
Status: Point in time view as at 01/04/2009.

Changes to legislation: There are currently no known outstanding effects for the Crossrail Act 2008, Paragraph 5. (See end of Document for details)

SCHEDULES

SCHEDULE 2

WORKS: FURTHER AND SUPPLEMENTARY PROVISIONS

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 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

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- “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.

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