



# Infrastructure (Wales) Act 2024

2024 asc 3

## PART 8

### SUPPLEMENTARY FUNCTIONS

#### *Right of entry*

#### **125 Powers of entry to survey land**

- (1) A person authorised in writing by the Welsh Ministers may at any reasonable time enter land in Wales for the purpose of surveying and taking levels of land, in connection with—
  - (a) a valid application for infrastructure consent,
  - (b) a proposed application for infrastructure consent, or
  - (c) an infrastructure consent order that includes provision authorising the compulsory acquisition of that land or of an interest in it or right over it.
- (2) Authorisation may be given by the Welsh Ministers under subsection (1)(b) in relation to land only if it appears to the Welsh Ministers that the proposed applicant is considering a project of real substance genuinely requiring entry onto the land.
- (3) A person authorised under subsection (1) to enter land—
  - (a) must, if required, produce evidence of the person's authority, and state the purpose of the person's entry, before entering,
  - (b) may not demand admission as of right to any land which is occupied unless 14 days' notice of the intended entry has been given to the occupier,
  - (c) may take on to the land any other persons that are necessary,
  - (d) must, if leaving the land at a time when no owner or occupier is present, leave it as effectively secured against trespassers as the person found it, and
  - (e) must comply with any other conditions subject to which the Welsh Ministers' authorisation is given.

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (4) Power conferred by subsection (1) to survey land includes power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals or other matter in it, subject to subsections (5) and (6).
- (5) No person may carry out under subsection (1) any works authorised by virtue of subsection (4) unless notice of the person’s intention to do so was included in the notice required by subsection (3)(b).
- (6) Authorisation by the appropriate Minister is required for the carrying out under subsection (1) of works authorised by virtue of subsection (4) if—
- (a) the land in question is held by statutory undertakers, and
  - (b) they object to the proposed works on the ground that execution of the works would be seriously detrimental to the carrying-on of their undertaking.
- (7) In subsection (6)—
- “the appropriate Minister” (“*y Gweinidog priodol*”) means—
- (a) in the case of land in Wales held by water or sewerage undertakers, the Welsh Ministers, and
  - (b) in any other case the Secretary of State;
- “statutory undertakers” (“*ymgymerwyr stadudol*”) means persons who are, or who are deemed to be, statutory undertakers for the purposes of any provision of Part 11 of the TCPA 1990.
- (8) A person commits an offence if the person intentionally obstructs a person acting in the exercise of power under subsection (1).
- (9) A person guilty of an offence under subsection (8) is liable on summary conviction to a fine.
- (10) If any damage is caused to land or other property—
- (a) in the exercise of a power of entry conferred under subsection (1), or
  - (b) in the making of a survey for the purpose of which any such power of entry has been conferred,
- a person suffering the damage may recover compensation from the person exercising the power of entry.
- (11) Any question of disputed compensation under subsection (10) must be referred to and determined by the Upper Tribunal.

## **126 Powers of entry to survey land: Crown land**

- (1) Section 125(1) applies to Crown land subject to subsections (2) and (3).
- (2) A person must not enter Crown land unless the person (“P”) has the permission of—
- (a) a person appearing to P to be entitled to give it, or
  - (b) the appropriate Crown authority.
- (3) In section 125(4) (power of entry to survey land includes power to search and bore), the words “subject to subsections (5) and (6)” do not apply.
- (4) Subsections (3)(b), (5), (6), (8), and (9) of section 125 do not apply in relation to anything done by virtue of this section.