

Status: Point in time view as at 13/02/2015.

Changes to legislation: There are currently no known outstanding effects for the Postal Services Act 2000, Cross Heading: Entry on land for exploratory purposes. (See end of Document for details)

SCHEDULES

SCHEDULE 6

FURTHER PROVISIONS RELATING TO LAND

Entry on land for exploratory purposes

- 2 (1) A person authorised in writing by a universal service provider may, at any reasonable time, enter upon and survey any land for the purpose of ascertaining whether the land would be suitable for use for any purpose in connection with the provision of a universal postal service.
- (2) The power to survey land conferred by this paragraph includes power to search and bore for the purpose of ascertaining the nature of the subsoil.
- (3) The powers conferred by this paragraph shall not be exercisable in relation to land which is covered by a building or will be so covered on the assumption that any planning permission which is in force is acted on.
- (4) In this paragraph “building” includes any garden, yard, outhouses and appurtenances belonging to or usually enjoyed with a building.
- 3 (1) A person authorised to enter upon any land under paragraph 2 shall not demand to do so as of right unless—
- (a) 28 days notice of the intended entry has been given to the occupier, and
- (b) if required to do so, he has produced evidence of his authority and has stated the purpose of his entry.
- (2) No person may carry out works authorised by paragraph 2(2) unless notice of the proposed works was included in the notice given under sub-paragraph (1).
- (3) If the land in question is held by statutory undertakers and they object to the works on the ground that the carrying out of the works would be seriously detrimental to the carrying on of their undertaking, the authority of the appropriate Minister shall be required for the carrying out of works authorised by paragraph 2(2).
- (4) In sub-paragraph (3) as it relates to England and Wales—
- “appropriate Minister” means the person indicated by section 265 of the ^{M1}Town and Country Planning Act 1990,
- “statutory undertakers” means any persons who, by virtue of section 262 of the ^{M2}Town and Country Planning Act 1990, are or are treated as statutory undertakers for the purposes of that Act or any provision of that Act.
- (5) In that sub-paragraph as it relates to Scotland—
- “appropriate Minister” means—
- (a) in relation to any function which, by virtue of section 53 of the ^{M3}Scotland Act 1998, is exercisable by them as the appropriate Minister

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within the meaning of section 217 of the ^{M4}Town and Country Planning (Scotland) Act 1997, the Scottish Ministers,

(b) in any other case, the Minister indicated by that section,

“statutory undertakers” means any persons who, by virtue of section 214 of the ^{M5}Town and Country Planning (Scotland) Act 1997, are or are treated as statutory undertakers for the purposes of that Act or any provision of that Act.

and this sub-paragraph has effect notwithstanding the repeal of section 217 of the ^{M6}Town and Country Planning (Scotland) Act 1997 by paragraph 127(3) of Schedule 2 to the ^{M7}Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999.

(6) In that sub-paragraph as it relates to Northern Ireland—

“appropriate Minister” means—

(a) in relation to a statutory undertaker carrying on any railway, road transport or dock or harbour undertaking or the airport operator (within the meaning of the ^{M8}Airports (Northern Ireland) Order 1994) of any airport to which Article 25 of that Order applies, the Minister for Regional Development,

(b) in relation to a statutory undertaker carrying on any water transport or inland navigation, the Minister of Culture, Arts and Leisure,

(c) in any other case, the Minister of Enterprise, Trade and Investment,

“statutory undertaker” has the same meaning as in [^{F1}Article 2(2) of the ^{M9}Planning (Northern Ireland) Order 1991][^{F1}section 250(1) of the Planning Act (Northern Ireland) 2011] .

Textual Amendments

F1 Words in Sch. 6 para. 3(6) substituted (N.I.) (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in force) by [Planning Act \(Northern-Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\)](#), [Sch. 6 para. 92](#) (with [s. 211](#)); [S.R. 2015/49, arts. 2, 3, Sch. 1](#) (with [Sch. 2](#)).

Marginal Citations

M1 1990 c. 8.
M2 1990 c. 8.
M3 1998 c. 46.
M4 1997 c. 8.
M5 1997 c. 8.
M6 1997 c. 8.
M7 S.I. 1999/1820.
M8 S.I. 1994/426 (N.I. 1).
M9 S.I. 1991/1220 (N.I. 11).

- 4 (1) Any person who intentionally obstructs a person acting in the exercise of any power conferred by paragraph 2 shall be guilty of an offence.
- (2) A person who commits an offence under sub-paragraph (1) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- 5 (1) If in the exercise of any power conferred by paragraph 2 any damage is caused to land or moveables, any person interested in the land or moveables may recover

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compensation in respect of that damage from the universal service provider on whose behalf the power is exercised; and if in consequence of the exercise of such a power a person is disturbed in his enjoyment of any land or moveables, he may recover compensation from the universal service provider in respect of that disturbance.

- (2) In relation to England and Wales, any question of disputed compensation under subparagraph (1) shall be referred to and determined by the [^{F2}Upper Tribunal]; and [^{F3}section] 4 of the ^{M10}Land Compensation Act 1961 shall apply in relation to the determination subject to any necessary modifications.
- (3) In relation to Scotland, any question of disputed compensation under subparagraph (1) shall be referred to and determined by the Lands Tribunal for Scotland; and sections 9 and 11 of the ^{M11}Land Compensation (Scotland) Act 1963 shall apply in relation to the determination subject to any necessary modifications.
- (4) In relation to Northern Ireland, any question of disputed compensation under subparagraph (1) shall be referred to and determined by the Lands Tribunal for Northern Ireland; and the determination shall be deemed to be a determination to which section 31 of the ^{M12}Land Development Values (Compensation) Act (Northern Ireland) 1965 applies.
- (5) In this paragraph “moveables” means—
 - (a) in relation to England and Wales and Northern Ireland, chattels, and
 - (b) in relation to Scotland, corporeal moveables.

Textual Amendments

- F2** Words in Sch. 6 para. 5(2) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 267(a)** (with Sch. 5)
- F3** Word in Sch. 6 para. 5(2) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 267(b)** (with Sch. 5)

Marginal Citations

- M10** 1961 c. 33.
- M11** 1963 c. 51.
- M12** 1965 c. 23 (N.I.).

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