

SCHEDULES

SCHEDULE 2

WORKS

PART 1

FURTHER AND SUPPLEMENTARY PROVISIONS

Authority to survey and investigate land etc

- 1 (1) The nominated undertaker may for the purposes of this Act—
- (a) survey or investigate land which is within the Act limits or which may be affected by the works authorised by this Act;
 - (b) take steps to protect or remove any flora or fauna on land which may be affected by the carrying out of the works authorised by this Act.
- (2) The power in sub-paragraph (1)(a) includes power to—
- (a) make trial holes in such positions as the nominated undertaker thinks fit on the land to investigate the nature of the surface layer and subsoil;
 - (b) carry out ecological or archaeological investigations on the land;
 - (c) take samples of anything in or on the land.
- (3) Sub-paragraph (2)(a) does not authorise the making of trial holes in a carriageway or footway without the consent of the highway authority; but such consent must not be unreasonably withheld.
- (4) Any dispute as to the giving of consent under sub-paragraph (3) must be referred to arbitration if the parties so agree; but must otherwise be determined by the Secretary of State.
- (5) In connection with the exercise of the powers in sub-paragraph (1) the nominated undertaker may—
- (a) place or leave apparatus for use in connection with those powers on, and remove such apparatus from, land within the Act limits or land which may be affected by the works authorised by this Act;
 - (b) enter on land within the Act limits or land which may be affected by the works authorised by this Act,
- and the land referred to in paragraphs (a) and (b) need not be the same as the land in relation to which the powers in sub-paragraph (1) are being or are to be exercised.
- (6) No land may be entered, or apparatus placed or left on or removed from land, under this paragraph unless at least 7 days' notice has been given to every owner and occupier of the land.