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STATUTORY INSTRUMENTS

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**2005 No. 2786**

The Leicestershire County Council (Ashby  
de la Zouch Canal Extension) Order 2005

PART 2

WORKS PROVISION

**Power to survey and investigate land**

- 15.**—(1) The undertaker may for the purposes of this Order and subject to subparagraph (2)—
- (a) survey or investigate any land which may be affected by the authorised works;
  - (b) make trial holes on the land in such positions as the undertaker thinks fit to investigate the nature of the surface layer and subsoil and remove soil samples;
  - (c) place on, leave on or remove from the land apparatus for use in connection with the survey or investigation of the land or making of trial holes; and
  - (d) enter on the land for the purpose of exercising any of the powers conferred by subparagraphs (a) to (c) above.
- (2) Before exercising any of the powers conferred by subparagraph (1), the undertaker shall—
- (a) serve on every owner and occupier of the land a notice giving at least 7 days' notice of the proposal to exercise that power; and
  - (b) obtain the consent of the street authority in respect of trial holes to be made in any carriageway or footway.
- (3) Any person entering land under this article on behalf of the undertaker—
- (a) shall, if so required before or after entering the land, produce written evidence of his authority to do so; and
  - (b) may take with him such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes.
- (4) The undertaker shall compensate the owners and occupiers of the land for any damage occasioned by the exercise of the powers conferred by this article.
- (5) In the case of dispute, the compensation referred to in sub-paragraph (4) shall be determined under Part I of the 1961 Act.