



# Edinburgh Tram (Line Two) Act 2006

## 2006 asp 6

### PART 1

#### WORKS

##### *Supplemental powers*

#### **20 Power to survey and investigate land**

- (1) The authorised undertaker may for the purposes of this Act—
- (a) survey or investigate any land within the limits of deviation or within the limits of land to be acquired or used;
  - (b) without prejudice to the generality of paragraph (a), make trial holes in such positions as the authorised undertaker thinks fit on the land to investigate the nature of the surface layer and subsoil and remove soil samples;
  - (c) without prejudice to the generality of paragraph (a), carry out archaeological investigations on the land;
  - (d) take steps to protect or remove any flora or fauna on the land where the flora or fauna may be affected by the carrying out of the works;
  - (e) place on, leave on and remove from the land apparatus for use in connection with exercise of any of the powers conferred by paragraphs (a) to (c); and
  - (f) enter on the land for the purpose of exercising the powers conferred by paragraphs (a) to (e).
- (2) No land may be entered, or equipment placed or left on or removed from the land under subsection (1), unless—
- (a) on the first occasion at least 7 days' notice, and
  - (b) on subsequent occasions at least 3 days' notice,
- has been served on every owner and occupier of the land.
- (3) Any person entering land under this section on behalf of the authorised undertaker—
- (a) shall, if so required, before or after entering the land produce written evidence of the authority to do so, and
  - (b) may bring such vehicles and equipment as are necessary to carry out the survey or investigation or to make trial holes.

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*Status: This is the original version (as it was originally enacted).*

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- (4) No trial holes shall be made under this section in a carriageway or footway without the consent of the road works authority, but such consent shall not be unreasonably withheld.
- (5) The authorised undertaker shall make compensation for any damage occasioned by the exercise of the powers conferred by this section to the owners and occupiers of the land, in case of dispute such compensation to be determined under the 1963 Act.