Glasgow Airport Rail Link Act 2007

2007 asp 1

PART 2

LAND

Supplementary

23 Power to enter land for survey, etc.

(1) The authorised undertaker may, in relation to any land within the limits of deviation or the limits of land to be acquired or used, for the purposes of this Act—

(a) survey or investigate the land;

(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 water and 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 the exercise of any power conferred by paragraphs (a) to (d); and

(f) enter the land for the purpose of exercising any power conferred by paragraphs (a) to (e).

(2) No land may be entered, or equipment placed or left on or removed from land, under subsection (1), unless—

(a) on the first occasion at least seven days'; and

(b) on subsequent occasions not less than three 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 authority to do so; and

(b) may enter with such vehicles and equipment as are necessary for the purpose of exercising any of the powers conferred by subsection (1).

(4) No trial hole 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) Any question as to whether approval has been unreasonably withheld under subsection (4) shall, unless the parties otherwise agree, be determined by arbitration.

(6) The authorised undertaker shall pay compensation for any damage occasioned, by the exercise of the powers conferred by this subsection, to the owners and occupiers of the land.

(7) Any dispute as to a person's entitlement to compensation under subsection (6), or as to the amount of the compensation, shall be determined under the 1963 Act.