

## SCHEDULES

### SCHEDULE 2

#### WORKS

##### *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 works authorised by this Act.
- (2) The nominated undertaker may, in connection with the exercise of the powers under sub-paragraph (1), enter—
- (a) land within the Act limits, or
  - (b) land which may be affected by the works authorised by this Act.
- (3) The land referred to in sub-paragraph (2)(a) or (b) need not be the same as the land in relation to which the powers under sub-paragraph (1) are being or are to be exercised.
- (4) The power under sub-paragraph (1)(a) includes power to monitor the effectiveness of landscaping or other measures which have been taken to mitigate the adverse effects of the construction, maintenance or operation of the works authorised by this Act.
- (5) The following provisions of Part 7 of the Housing and Planning Act 2016 apply in relation to the exercise of the powers conferred by sub-paragraphs (1) and (2) as they apply in relation to the exercise of the power conferred by section 172(1) of that Act to enter and survey or value land—
- section 172(2), (3) and (5) (right to enter and survey land);
  - section 173 (warrant authorising use of force to enter and survey land);
  - section 174 (notice of survey and copy of warrant);
  - section 175 (enhanced authorisation procedures etc for certain surveys);
  - section 176 (right to compensation after entry on or survey of land);
  - section 177 (offences in connection with powers to enter land).
- (6) In the application of the provisions specified in sub-paragraph (5)—
- (a) references to the acquiring authority are to be read as references to the nominated undertaker;
  - (b) references to—
    - (i) a person authorised in writing by the acquiring authority, or
    - (ii) a person exercising or seeking to exercise the power conferred by section 172(1) of the Housing and Planning Act 2016,are to be read as references to the nominated undertaker or (as the case may be) to a person authorised to exercise any of the powers conferred by sub-paragraphs (1) and (2) on the nominated undertaker's behalf;

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**Changes to legislation:** *There are currently no known outstanding effects for the High Speed Rail (West Midlands - Crewe) Act 2021, Cross Heading: Authority to survey and investigate land etc. (See end of Document for details)*

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- (c) where the person exercising or seeking to exercise the power is the nominated undertaker, section 172(3)(a) is to be read as if it required the nominated undertaker to produce evidence of authority to exercise the power in question.

**Changes to legislation:**

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