
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 199

**The Transport and Works (Scotland) Act 2007
(Access to Land on Application) Order 2008**

Access to land

3.—(1) On—

- (a) the grant of an authorisation; and
- (b) having obtained any other consent, permission or licence required under any other enactment,

an applicant may enter authorised land for such of the purposes set out in paragraph (2) as are permitted by that authorisation.

(2) Those purposes are—

- (a) in connection with construction, operation or works to which an order under section 1 of the Act (orders as to transport systems and inland waterways) would relate—
 - (i) inspecting and surveying authorised land or any other land;
 - (ii) searching or boring on and in the authorised land to ascertain for the purposes of the survey the nature of the subsoil; and
 - (iii) carrying out archaeological and environmental investigations and assessments on and in the authorised land; and
- (b) obtaining passage over authorised land to enable the activities in sub paragraph (a) to be undertaken on and in other land.

(3) Entry to authorised land under paragraph (1) shall include the entry of such persons, vehicles, plant, materials and apparatus as may be required for the purposes which are permitted by the authorisation.

(4) Entry to authorised land pursuant to this article is subject to—

- (a) the provisions of this Order;
- (b) the terms of the authorisation and any conditions or limitations attached to it; and
- (c) the terms of any agreement between the applicant and any person with an interest in the authorised land regarding the applicant's entry to the authorised land.