

SCHEDULES

SCHEDULE 6

FURTHER PROVISIONS RELATING TO LAND

Entry on land for exploratory purposes

- 3 (1) A person authorised to enter upon any land under paragraph 2 shall not demand to do so as of right unless—
- (a) 28 days notice of the intended entry has been given to the occupier, and
 - (b) if required to do so, he has produced evidence of his authority and has stated the purpose of his entry.
- (2) No person may carry out works authorised by paragraph 2(2) unless notice of the proposed works was included in the notice given under sub-paragraph (1).
- (3) If the land in question is held by statutory undertakers and they object to the works on the ground that the carrying out of the works would be seriously detrimental to the carrying on of their undertaking, the authority of the appropriate Minister shall be required for the carrying out of works authorised by paragraph 2(2).
- (4) In sub-paragraph (3) as it relates to England and Wales—
- “appropriate Minister” means the person indicated by section 265 of the Town and Country Planning Act 1990,
- “statutory undertakers” means any persons who, by virtue of section 262 of the Town and Country Planning Act 1990, are or are treated as statutory undertakers for the purposes of that Act or any provision of that Act.
- (5) In that sub-paragraph as it relates to Scotland—
- “appropriate Minister” means—
- (a) in relation to any function which, by virtue of section 53 of the Scotland Act 1998, is exercisable by them as the appropriate Minister within the meaning of section 217 of the Town and Country Planning (Scotland) Act 1997, the Scottish Ministers,
 - (b) in any other case, the Minister indicated by that section,
- “statutory undertakers” means any persons who, by virtue of section 214 of the Town and Country Planning (Scotland) Act 1997, are or are treated as statutory undertakers for the purposes of that Act or any provision of that Act.
- and this sub-paragraph has effect notwithstanding the repeal of section 217 of the Town and Country Planning (Scotland) Act 1997 by paragraph 127(3) of Schedule 2 to the Scotland Act 1998 (Consequential Modifications) (No. 2) Order 1999.
- (6) In that sub-paragraph as it relates to Northern Ireland—
- “appropriate Minister” means—
- (a) in relation to a statutory undertaker carrying on any railway, road transport or dock or harbour undertaking or the airport operator (within

Status: This is the original version (as it was originally enacted).

- the meaning of the Airports (Northern Ireland) Order 1994) of any airport to which Article 25 of that Order applies, the Minister for Regional Development,
- (b) in relation to a statutory undertaker carrying on any water transport or inland navigation, the Minister of Culture, Arts and Leisure,
 - (c) in any other case, the Minister of Enterprise, Trade and Investment,
- “statutory undertaker” has the same meaning as in Article 2(2) of the Planning (Northern Ireland) Order 1991.