

SCHEDULES

SCHEDULE 4

COMPULSORY PURCHASE AND ENTRY FOR EXPLORATORY PURPOSES

Entry on land for exploratory purposes: Scotland

- 7 (1) A person—
- (a) nominated by a code operator, and
 - (b) duly authorised in writing by the Secretary of State,
- may, at any reasonable time, enter upon and survey any land in Scotland for the purpose of ascertaining whether the land would be suitable for use by the code operator for, or in connection with, the establishment or running of the operator's network.
- (2) This paragraph does not apply in relation to land covered by buildings or used as a garden or pleasure ground.
- (3) Sections 269(6) and 270(1) to (5), (8) and (9) of the Town and Country Planning (Scotland) Act 1997 (c. 8) (supplementary provisions relating to powers of entry) have effect in relation to the power conferred by this paragraph—
- (a) as they have effect in relation to the powers conferred by section 269 of that Act; but
 - (b) subject to the modifications set out in sub-paragraph (4).
- (4) Those modifications are—
- (a) in section 269(6) (power to search and bore for the purpose of ascertaining the nature of the subsoil or the presence of minerals), omit “or the presence of minerals therein”; and
 - (b) in section 270(1) (24 hours' notice to be given of an intended entry upon occupied land) for “24 hours” substitute “28 days”.
- (5) Where, in an exercise of the power conferred by this paragraph, damage is caused to land or to corporeal moveables, the code operator must—
- (a) make good the damage; or
 - (b) pay compensation in respect of the damage to every person interested in the land or corporeal moveables.
- (6) Where, in consequence of an exercise of the power conferred by this paragraph, a person is disturbed in his enjoyment of any land or corporeal moveables, the code operator must pay that person compensation in respect of the disturbance.
- (7) A dispute arising under this paragraph—
- (a) as to the effect of damage, or
 - (b) as to the amount of compensation,
- must be determined by arbitration by a single arbiter appointed by agreement between the parties or, in default of an agreement, by the Secretary of State.