

SCHEDULES

SECOND SCHEDULE

PROVISIONS WHICH MAY BE INCORPORATED IN IMPROVEMENT ORDERS

Definitions.

- 1 In this Schedule, unless the context otherwise requires,—
- “the Act” means the Land Drainage (Scotland) Act 1958;
 - “the order” means the improvement order with which any of the provisions of this Schedule are incorporated, with or without modifications, and includes those provisions as so incorporated;
 - “the works” means the drainage and protective works authorised or required to be executed by the order;
- and other expressions have respectively the same meanings as in the Act.

Permissible limits of deviation.

- 2 In the construction of the works the authorised persons may deviate laterally from the lines and may deviate vertically from the levels to any extent not exceeding the limits of lateral and vertical deviation respectively shown on the plans and specifications referred to in the order.

Temporary works.

- 3 In addition to executing the works the authorised persons may, in, on or over any land situated within the limits of lateral deviation shown on the plans and specifications referred to in the order or any land shown on the said plans which, being situated outwith those limits, is required for the purpose, construct, lay or erect and maintain any temporary works, that is to say, any coffer dams, flumes, diversion channels, culverts, engines, pumps, plant, machinery, roads, fences, stores, offices or other buildings, or any other works or things required for the purposes of or connected with the works;
- Provided that any electrical works or apparatus constructed, laid or erected under this paragraph shall be so constructed, laid or erected, and so maintained and used, as to prevent interference with any [^{F1}electronic communications apparatus kept installed for the purposes of an electronic communications code network or with the service provided by any such network.]

Textual Amendments

- F1** Words in Sch. 2 para. 3 substituted (17.9.2003) by [Communications Act 2003 \(Consequential Amendments\) Order 2003 \(S.I. 2003/2155\)](#), art. 1(1), [Sch. 1 para. 2\(2\)](#)

Changes to legislation: There are currently no known outstanding effects for the Land Drainage (Scotland) Act 1958, SECOND SCHEDULE. (See end of Document for details)

Powers of entry.

- 4 (1) The authorised persons, or any person to whom they have given authority in that behalf, shall for the purpose of executing or maintaining the works or of executing any temporary works have power at all reasonable times to enter on any land situated within the limits of lateral deviation shown on the plans and specifications referred to in the order or any land shown on the said plans which, being situated outwith those limits, is required for the purpose of executing any temporary works, and for the purpose of obtaining access to any such land may enter on any land in the ownership of a person who owns land situated in the improvement area or on any of whose land the execution of drainage or protective works is authorised or required by the order.
- (2) Any power of entry under the foregoing sub-paragraph shall include power to authorise the entry or passage of such persons, vehicles, plant, machinery, supplies or materials as may be necessary, and to authorise the carrying out of work for the purpose of facilitating their passage.
- (3) Any person entitled to enter upon any land by virtue of any right of entry under this paragraph shall, if so required, produce evidence of his authority before entering on such land and shall not demand admission as of right unless fourteen days' notice of the intended entry has been given to the occupier.

Power to cut bushes and scrub and to take down fences.

- 5 The authorised persons may, for the purpose of executing or maintaining the works or of executing any temporary works, cut and lay aside, or cut and use for the foresaid purposes, any bushes or scrub timber growing on land situated within the limits of lateral deviation shown on the plans and specifications referred to in the order or on any land shown on the said plans which, being situated outwith those limits, is required for the purpose of executing any temporary works, and may take down and lay aside any fences on such land, take down any dykes thereon, cut and grub out any hedges thereon and generally clear and level such land and remove any obstructions.

Fencing of land, etc.

- 6 The authorised persons shall, so far as is necessary for the protection of any persons or animals, fence any land on which the works or any temporary works are being executed, and shall take such measures as may be practicable to prevent stock from straying in consequence of the discharge by them of any of their functions under the order.

Disposal of spoil.

- 7 Except as otherwise provided under the order, the authorised persons may dispose of excavated spoil, so far as not required for the purpose of executing the works or any temporary works, by constructing spoil banks along the natural banks of any watercourse situated within the limits of lateral deviation shown on the plans and specifications referred to in the order, or by spreading the spoil on the land adjacent to the natural banks of any such watercourse, or by carrying the spoil away for disposal at a tip or for sale.

Changes to legislation: There are currently no known outstanding effects for the Land Drainage (Scotland) Act 1958, SECOND SCHEDULE. (See end of Document for details)

Penalty for obstructing authorised persons in exercise of powers.

- 8 If any person obstructs the authorised persons in the discharge of any of their functions under the order, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding [^{F2}level 1 on the standard scale] in the case of a first conviction and [^{F2}level 1 on the standard scale] in the case of a second or any subsequent conviction.

Textual Amendments

F2 Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289E–289G**

Changes to legislation:

There are currently no known outstanding effects for the Land Drainage (Scotland) Act 1958,
SECOND SCHEDULE.