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STATUTORY INSTRUMENTS

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**2005 No. 120**

**The Merseytram (Liverpool City Centre to Kirkby) Order 2005**

**PART 2**

**WORKS PROVISIONS**

*Supplemental powers*

**Power to survey and investigate land, etc.**

- 25.**—(1) Merseytravel may for the purposes of this Order—
- (a) survey or investigate any land within the Order limits or any building (or replacement of that building) mentioned in Part 2 of the book of reference, any street along which any authorised street tramway is authorised to be laid and any street having a junction with such a street;
  - (b) without prejudice to the generality of sub-paragraph (a), make trial holes in such positions as Merseytravel thinks fit on the land to investigate the nature of the surface layer and subsoil and remove soil samples;
  - (c) without prejudice to the generality of sub-paragraph (a), carry out archaeological investigations on any such land;
  - (d) take steps to protect or remove any flora or fauna on the land where the flora or fauna may be affected by the carrying out of the authorised works;
  - (e) place on, leave on and remove from the land apparatus for use in connection with the exercise of any of the powers conferred by sub-paragraphs (a) to (d); and
  - (f) enter on the land for the purpose of exercising the powers conferred by sub-paragraphs (a) to (e).
- (2) No land may be entered, or equipment placed or left on or removed from the land, under paragraph (1), unless at least 7 days' notice has been served on every owner and occupier of the land.
- (3) Any person entering land under this article on behalf of Merseytravel—
- (a) shall, if so required, before or after entering the land produce written evidence of his authority to do so; and
  - (b) may take with him such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes.
- (4) No trial holes shall be made under this article in a carriageway or footway without the consent of the street authority, but such consent shall not be unreasonably withheld.
- (5) Merseytravel shall pay compensation for any damage occasioned, by the exercise of the powers conferred by this article, to the owners and occupiers of the land, such compensation to be determined, in case of dispute, under Part I of the 1961 Act.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(6) Nothing in this article shall obviate the need to obtain scheduled monument consent under the Ancient Monuments and Archaeological Areas Act 1979<sup>(1)</sup>.

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<sup>(1)</sup> 1979 c. 46.