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**Changes to legislation:** There are currently no known outstanding effects for the Edinburgh Tram (Line Two) Act 2006, Cross Heading: Railway and navigation undertakings. (See end of Document for details)

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SCHEDULE 9  
PROVISIONS RELATING TO STATUTORY UNDERTAKERS, ETC.

*Railway and navigation undertakings*

- 3 (1) Subject to the following provisions of this paragraph, the powers under section 5 (Power to execute road works) to break up or open a road shall not be exercisable where the road, not being a public road (within the meaning of the Roads (Scotland) Act 1984 (c. 54))—
- (a) is under the control or management of, or is maintainable by, railway or tramway undertakers, or
  - (b) forms part of a level crossing belonging to any such undertakers or to such an authority or to any other person,
- except with the consent of the undertakers or the authority of the person to whom the level crossing belongs, as the case may be.
- (2) Sub-paragraph (1) shall not apply to the carrying out under this Act of emergency works, within the meaning of Part IV of the 1991 Act.
- (3) A consent given for the purposes of sub-paragraph (1) may be made subject to such reasonable conditions as may be specified by the person giving it but shall not be unreasonably withheld.

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There are currently no known outstanding effects for the Edinburgh Tram (Line Two) Act 2006,  
Cross Heading: Railway and navigation undertakings.