



Edinburgh Tram (Line One) Act 2006

2006 asp 7

PART 4

OPERATION OF AUTHORISED TRAMWAY

51 Power to operate and use authorised tramway

- (1) The authorised undertaker may operate and use the authorised tramway and the other authorised works as a system, or part of a system, of transport for the carriage of passengers and goods.
- (2) Subject to subsection (4) and to section 69 (Powers of disposal, agreements for operation, etc.), the authorised undertaker shall, for the purpose of operating the tramway, have the exclusive right—
 - (a) to use the rails or other guidance, foundations, cables, masts, overhead wires and other apparatus used for the operation of the tramway, and
 - (b) to occupy any part of the road in which that apparatus is situated.
- (3) Any person who, without the consent of the authorised undertaker or other reasonable excuse, uses the apparatus mentioned in subsection (2) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (4) Nothing in this section shall restrict the exercise of any public right of way over any part of a road in which apparatus is situated in pursuance of subsection (2) except to the extent that the exercise of the right is constrained by the presence of the apparatus.