Edinburgh Tram (Line One) Act 2006

2006 asp 7

PART 4

OPERATION OF AUTHORISED TRAMWAY

56 Removal of obstructions

(1) If any obstruction is caused to trams using the authorised tramway by a vehicle waiting, loading, unloading or breaking down on any part of the tramway, the person in charge of the vehicle shall forthwith remove it and if such person fails to do so the authorised undertaker may take all reasonable steps to remove the obstruction and may recover the expenses reasonably incurred in doing so from—

(a) any person by whom the vehicle was put or left so as to become an obstruction to trams, or

(b) any person who was the owner of the vehicle at that time unless such person shows that at that time the person was not concerned in or aware of the vehicle being so put or left.

(2) If any obstruction is caused to trams using the authorised tramway by a load falling on the tramway from a vehicle, the person in charge of the vehicle shall forthwith remove the load from the tramway, and if such person fails to do so, the authorised undertaker may take all reasonable steps to remove the load and may recover the expenses reasonably incurred in doing so from—

(a) any person who was in charge of the vehicle at the time when the load fell from it, or

(b) any person who was the owner of the vehicle at that time unless such person shows that at that time the person was not concerned in or aware of the vehicle being in the place at which the load fell from it.

(3) For the purposes of this section the owner of a vehicle shall be taken to be the person by whom the vehicle is kept, and in determining for those purposes who was the owner of a vehicle at any time, it shall be presumed (unless the contrary appears) that the owner was the person in whose name the vehicle was at that time registered under the Vehicles (Excise and Registration) Act 1994 (c. 22).