



# Edinburgh Tram (Line Two) Act 2006

## 2006 asp 6

### PART 4

#### OPERATION OF AUTHORISED TRAMWAY

#### **59 Power to lop trees overhanging the tramway**

- (1) The authorised undertaker may fell or lop any tree or shrub near any part of the authorised tramway, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub—
  - (a) from obstructing or interfering with the construction, maintenance or operation of the tramway or any apparatus used for the purposes of the tramway, or
  - (b) from constituting a danger to passengers or other persons using the tramway.
- (2) In exercising the powers in subsection (1), the authorised undertaker shall do no unnecessary damage to any tree or shrub and shall pay compensation to any person for any loss or damage arising from the exercise of those powers.
- (3) The following shall not apply to the exercise of the powers conferred by subsection (1)
  - (a) any prohibition contained in an order made under section 160 (Power to make tree preservation orders) of the 1997 Act; and
  - (b) section 172(1) (Preservation of trees in conservation areas) of that Act.
- (4) Any dispute as to a person's entitlement to compensation under subsection (2) or as to the amount of the compensation, shall be determined under the 1963 Act.

**Changes to legislation:**

There are currently no known outstanding effects for the Edinburgh Tram (Line Two) Act 2006, Section 59.