
STATUTORY INSTRUMENTS

2007 No. 3234

The East Kent Railway Order 2007

Safety of approved works, etc.

7.—(1) This article applies where approval has been obtained under regulations⁽¹⁾ made under section 41 of the 1992 Act⁽²⁾ (approval of works, plant and equipment) from a specified authority with respect to any works, plant or equipment (including vehicles) forming part of the railway.

(2) The works, plant and equipment as mentioned in paragraph (1) shall not be used in a state or condition other than that in which they were at the time when the approval was given unless any change to their state or condition does not materially impair the safe operation of the railway.

(3) If without reasonable cause the provisions of paragraph (2) are contravened, the undertaker shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) No proceedings shall be instituted in England and Wales in respect of an offence under this article except by, or with the consent of, a specified authority or the Director of Public Prosecutions.

(1) [S.I.1994/157](#); see the transitional provisions and savings in regulation 29 of [S.I. 2006/599](#).

(2) [1992 c. 42](#); section 41 of the 1992 Act was amended by regulation 6 of [S.I. 2006/557](#).