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STATUTORY INSTRUMENTS

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**2009 No. 1300**

**The Nottingham Express Transit System Order 2009**

**PART 4**

**OPERATION OF THE AUTHORISED TRAMWAY**

**Removal of obstructions**

**48.**—(1) If any obstruction is caused to tramcars 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 that person fails to do so the promoter 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 tramcars; or
- (b) any person who was the owner of the vehicle at that time unless that 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 tramcars 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 that person fails to do so, the promoter 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 that 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 article 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 the 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(1).

(4) A person who, wilfully and without lawful excuse—

- (a) interferes with or removes the authorised tramway or any part of the authorised tramway or the works connected with it;
- (b) places or throws materials or objects of any kind on any part of the authorised tramway; or
- (c) does anything which obstructs any tramcar using the authorised tramway, whether or not such obstruction endangers the lives of any person in the tramcar,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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(1) 1994 c. 22.

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**Changes to legislation:** *There are currently no known outstanding effects for the The Nottingham Express Transit System Order 2009, Section 48. (See end of Document for details)*

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**Commencement Information**

**II** Art. 48 in force at 9.6.2009, see [art. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Nottingham Express Transit System Order 2009, Section 48.