
STATUTORY INSTRUMENTS

2009 No. 1300

The Nottingham Express Transit System Order 2009

PART 4

OPERATION OF THE AUTHORISED TRAMWAY

Power to operate and use authorised tramway

46.—(1) The promoter 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 paragraph (4) and article 55 (powers of disposal, agreements for operation, etc.), the promoter shall, for the purpose of operating the authorised tramway, have the exclusive right—

- (a) to use the rails, foundations, cables, masts, overhead wires and other apparatus used for operation of the authorised tramway; and
- (b) to occupy any part of the street in which that apparatus is situated.

(3) Any person who, without the consent of the promoter or other reasonable excuse, uses the apparatus mentioned in paragraph (2) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) Nothing in this article shall restrict the exercise of any public right of way over any part of a street in which apparatus is situated in pursuance of the provisions of this Order except to the extent that the exercise of the right is constrained by the presence of the apparatus.

(5) The authorised tramway and the other authorised works may be operated and used under the powers conferred by this article regardless of anything contained in or done pursuant to section 53 of the Nottingham Inclosure Act, or Part 1 of, or Schedule 2 to, the Commons Act 2006(1).

Commencement Information

II Art. 46 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 46.