



# Croydon Tramlink Act 1994

## 1994 CHAPTER xi

### PART IV

#### MISCELLANEOUS AND GENERAL

#### **43 Removal of obstructions**

- (1) If any obstruction to traffic on Tramlink is caused by—
- (a) a vehicle on any tramway or at any level crossing waiting, loading, unloading or breaking down; or
  - (b) a load falling on any tramway or at any level crossing from a vehicle;
- the person in charge of the vehicle shall forthwith remove the vehicle or the load so as to prevent the continuance of the obstruction and, if he fails to do so, the Corporation may remove the vehicle or load, taking all necessary steps for that purpose, and may recover from any person responsible the expenses reasonably incurred in doing so.
- (2) In subsection (1) above “person responsible” means—
- (a) in the case of a vehicle waiting, loading, unloading or breaking down—
    - (i) the owner of the vehicle at the time at which it became an obstruction to traffic on Tramlink unless he shows that he was not concerned in, or aware of, the vehicle being put or left in that place at that time; and
    - (ii) the person by whom the vehicle was put or left in the place in which it became an obstruction to traffic on Tramlink; and
  - (b) in the case of a load falling from a vehicle—
    - (i) the owner of the vehicle at the time of that event unless he shows that he was not concerned in, or aware of, the vehicle being put or left, or as the case may be, being in the place at which the load fell from it; and
    - (ii) the person in charge of the vehicle at the time when 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

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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) Act 1971.