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STATUTORY INSTRUMENTS

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**1994 No. 1761**

**The Wirral Tramway Light Railway Order 1994**

**Power to operate and use tramway system**

**18.**—(1) The undertaker may operate and use the authorised tramway and the other authorised works as a light railway under the Light Railways Act 1896 for the carriage of passengers and goods.

(2) Subject to paragraph (3) below and to article 26 (Power to lease tramway system) below, the undertaker shall, for the purpose of operating the tramway, have the exclusive right—

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

(3) 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 paragraph (2) above except to the extent that the exercise of the right is constrained by the presence of the apparatus.