
STATUTORY INSTRUMENTS

1999 No. 2129

The Welsh Highland Railway Order 1999

PART V

OPERATION OF RAILWAYS

Power to lop trees overhanging railways

33.—(1) The undertaker may fell or lop any tree or shrub near any part of the railway, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub—

- (a) from obstructing or interfering with the construction, maintenance or operation of the railway or any apparatus used for the purposes of the railway; or
- (b) from constituting a danger to passengers or other persons using the railway.

(2) Except in a case of emergency, the undertaker shall not exercise the powers in paragraph (1) above without having given not less than 28 days notice in writing to the owner and occupier of the land on which the tree or shrub is growing, unless he cannot be identified or cannot be found.

(3) In exercising the powers in paragraph (1) above, the undertaker shall do no unnecessary damage to any tree or shrub and shall pay compensation to any person for any loss or damage arising from the exercise of those powers.

(4) Any dispute as to a person's entitlement to compensation under paragraph (3) above, or as to the amount of the compensation, shall be determined under Part I of the Land Compensation Act 1961.