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STATUTORY INSTRUMENTS

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**2001 No. 3627**

**The South Hampshire Rapid Transit Order 2001**

**PART IV**

**OPERATION OF TRANSIT SYSTEM**

**Power to lop trees overhanging transit system**

**55.**—(1) The undertaker may fell or lop any tree or shrub near any part of the authorised transit system, 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 transit system or any apparatus used for the purposes of the transit system; or
- (b) from constituting a danger to passengers or other persons using the transit system.

(2) 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.

(3) Nothing in this article shall be taken to affect the application of any tree preservation order made under section 198 of the Town and Country Planning Act 1990(1).

(4) Any dispute as to a person's entitlement to compensation under paragraph (2) above, or as to the amount of the compensation, shall be determined under Part I of the Land Compensation Act 1961(2).

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(1) 1990 c. 8.  
(2) 1961 c. 33.