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STATUTORY INSTRUMENTS

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**2009 No. 3281**

**The South Devon Railway Order 2009**

**PART 4**

**MISCELLANEOUS AND GENERAL**

**Obstruction of construction of authorised works**

**11.** Any person who, without reasonable excuse—

- (a) obstructs another person acting under the authority of the undertaker in setting out the lines of the authorised works or in constructing any of the authorised works; or
- (b) interferes with, moves or removes any apparatus belonging to any person acting under the authority of the undertaker,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

**Power to operate and use railways**

**12.—**(1) The undertaker may operate and use the railways and other authorised works as a system, or part of a system, of transport for the carriage of passengers and goods.

(2) Nothing in this Order, or in any enactment incorporated with or applied by this Order, shall prejudice or affect the operation of Part 1 of the Railways Act 1993<sup>(1)</sup>.

(3) Subject to paragraphs (4) and (5), the motive power to be used on the railways shall be steam, diesel-electric, diesel, internal combustion, electric-battery or such other motive power as the Office of Rail Regulation may in writing approve.

(4) Nothing in this Order shall authorise the use of electrical power as motive power on the railways unless such power is obtained from storage batteries or from a source of generation entirely contained in and carried along with the engines and carriages.

(5) If electrical power is used as motive power on the railways, such electrical power shall not be used in such a manner as to cause or be likely to cause any interference with any electronic communications apparatus or with the use of such apparatus.

**Certification of plans, etc.**

**13.** The undertaker shall, as soon as practicable after the making of this Order, submit copies of the deposited plans and the deposited sections to the Secretary of State for certification that they are true copies of, respectively, the plans and sections referred to in this Order; and a document so certified shall be admissible in any proceedings as evidence of the contents of the document of which it is a copy.

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(1) 1993 c. 43. As amended by the Transport Act 2000 (c. 38) and the Railways Act 2005 (c. 14).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## **Revocation**

**14.** As from the transfer date the Orders referred to in columns (1) and (2) of Schedule 2 (Orders revoked) shall be revoked to the extent specified in column (3) of that Schedule.