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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 operate and use transit system**

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

(2) Subject to paragraph (4) below and to article 59 below, the undertaker shall, for the purpose of operating the transit system, have the exclusive right—

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

(3) Any person who, without the consent of the undertaker or other reasonable excuse, uses the apparatus mentioned in paragraph (2) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(4) 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.