



# Edinburgh Tram (Line One) Act 2006

## 2006 asp 7

### PART 4

#### OPERATION OF AUTHORISED TRAMWAY

##### 55 Obstruction to operation

- (1) Any person who, without reasonable excuse, intentionally places any obstruction on any part of the tram system or otherwise obstructs a tram shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (2) If any person places any obstruction on any part of the tram system or otherwise obstructs the tram, the authorised undertaker shall have the power to remove such obstruction forthwith.
- (3) If anything removed by the authorised undertaker under subsection (2) is so marked as to be readily identifiable as the property of any person, the authorised undertaker shall within one month of its coming into its custody give notice, as required by subsection (7), to that person and, if possession of the thing is not retaken within the period specified in, and in accordance with the terms of, the notice, it shall at the end of that period vest in the authorised undertaker.
- (4) If anything removed by the authorised undertaker under subsection (2) is not marked as to be readily identifiable as the property of any person, and is not within three months of coming into the custody of the authorised undertaker proved to the reasonable satisfaction of the authorised undertaker to belong to any person, it shall vest in the authorised undertaker from that time.
- (5) The authorised undertaker may at such a time and in such manner as it thinks fit dispose of anything referred to in subsection (4) which is of a perishable nature or the custody of which involves unreasonable expense notwithstanding that it has not vested in the authorised undertaker under this section, and, if it is sold, the proceeds of sale—
  - (a) shall be paid to any person who, within three months from the time when the thing came into the custody of the authorised undertaker proves to the reasonable satisfaction of the authorised undertaker that that person was the owner of the thing at that time; or
  - (b) if within the said period no person proves ownership at that time, shall vest in the authorised undertaker.

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*Status: This is the original version (as it was originally enacted).*

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- (6) If anything removed under this section—
- (a) is sold by the authorised undertaker and the proceeds of sale are insufficient to reimburse it for the amount of the expenses incurred by it in the exercise of its powers of removal; or
  - (b) is unsaleable,
- the authorised undertaker may recover the deficiency or the whole of the expenses, as the case may be, from the person who placed the obstruction.
- (7) A notice given under subsection (3) shall specify the thing removed and state that, upon proof of ownership to the reasonable satisfaction of the authorised undertaker, possession may be retaken at a place named in the notice within the time specified in the notice, being not less than 14 days after the notice is served.