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STATUTORY INSTRUMENTS

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**2005 No. 1794**

The Midland Metro (Birmingham City  
Centre Extension, etc.) Order 2005

PART 4

OPERATION OF TRAMWAY SYSTEM

**Maintenance of approved works, etc.**

**38.**—(1) Where, pursuant to regulations<sup>(1)</sup> made under section 41 of the 1992 Act (approval of works, plant and equipment), approval has been obtained from the Secretary of State with respect to any works, plant or equipment (including vehicles) forming part of the authorised tramway, such works, plant and equipment shall not be used in a state or condition other than that in which they were at the time that the approval was given unless any change thereto does not materially impair the safe operation of the authorised tramway.

(2) If without reasonable cause the provisions of paragraph (1) are contravened, the Executive shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) No proceedings shall be instituted in England and Wales in respect of an offence under this article except by or with the consent of the Health and Safety Executive or the Director of Public Prosecutions.

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(1) See S.I.1994/157.