The Network Rail (Tackley Level Crossing) Order

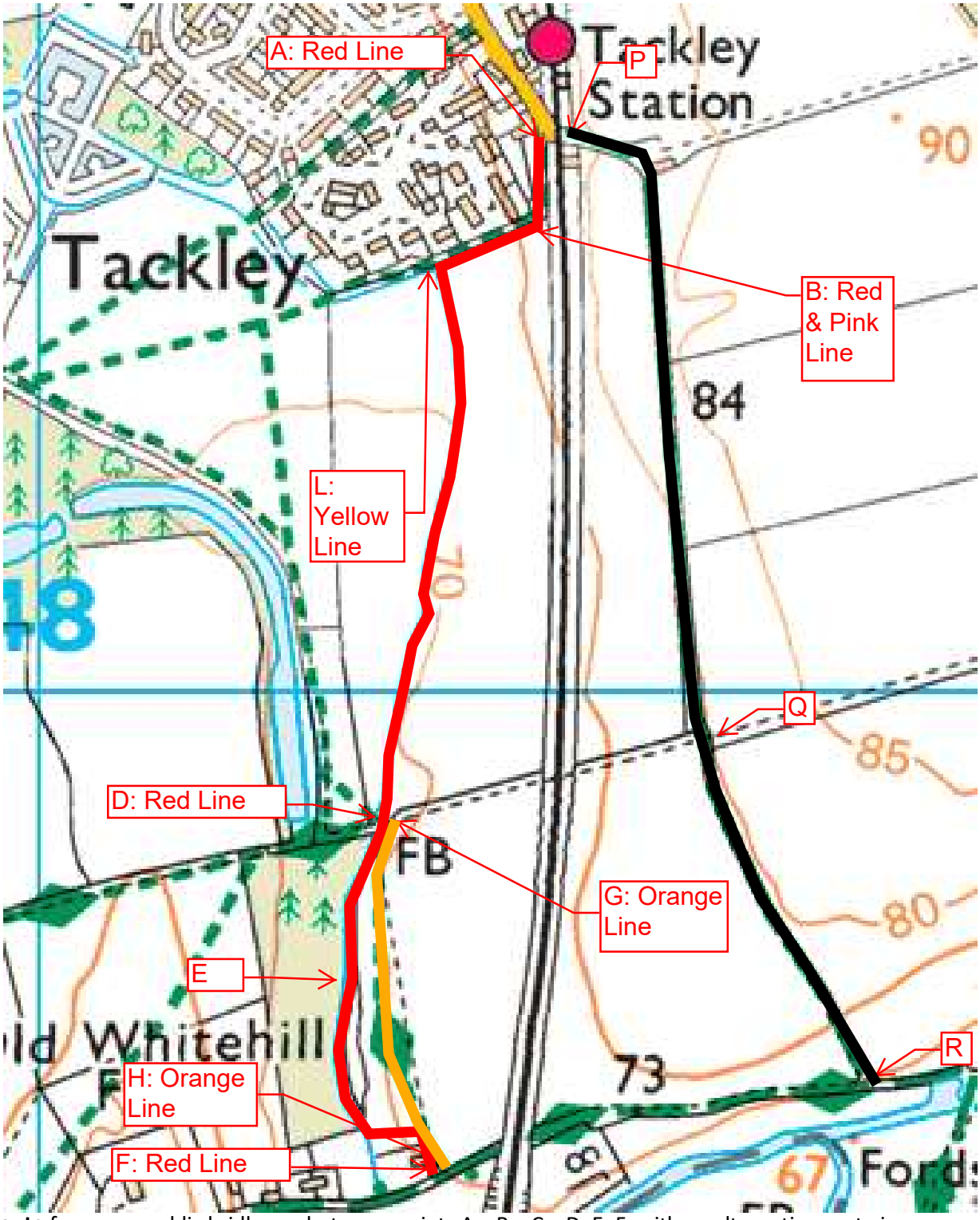
Appendices to Proof of Evidence

CONTENTS

Ref.	APPLICATION DOCUMENTS
JA1	Autumn 2018 Infield route proposal
JA2	Autumn 2018 Lineside Route Proposal
JA3	Infield Route Proposal Map
JA4	February 2019 Tackley Bridleway Options
JA5	Lineside Route Proposal November 2021
JA6	BHS – Riding Next to Railway Lines Report (Summary & Full Report)
JA7	Proposed Bridleway Diversion Route, Tackley (May 2022)
JA8	Northern Bridleway Route
JA9	July 2023 Western Route Proposal
JA10	Railway Byelaws
JA11	Section 57 of the British Transport Commission Act 1949
JA12	Section 31(8) of the Highways Act 1980
JA13	ORR Table 1410-Passenger Entries & Exits & by Station
JA14	Transport and Works Act 1992
JA15	Barwood Bridge Route

JA1

Appendix JA - Autumn 2018 Infield Route Proposal



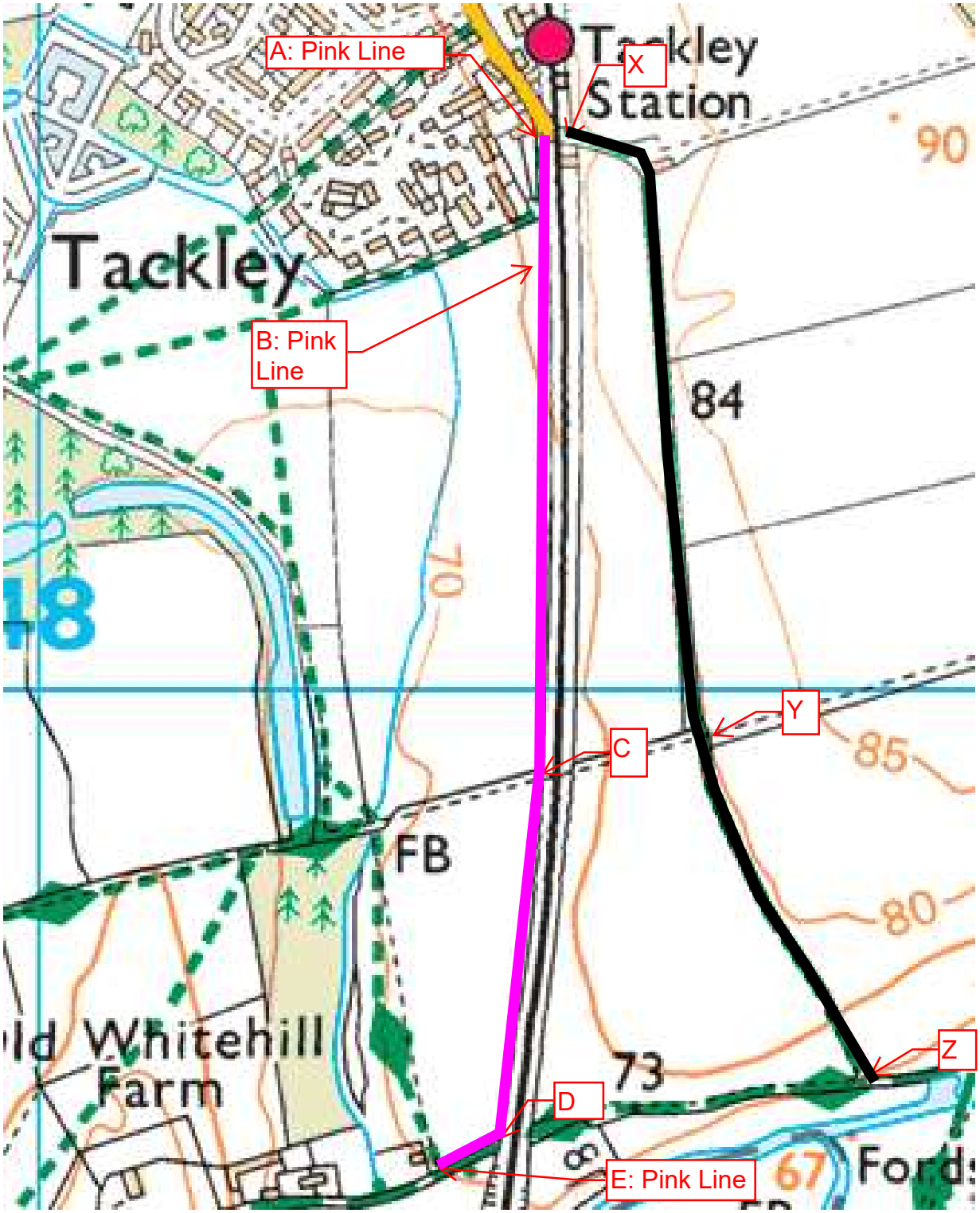
= **Infield Route** for a new public bridleway between points A – B – C – D–E–F, with an alternative route in the Estate's southern field between G-H as shown with the Orange line

= Unaffected Public Rights of Way

= Proposed downgrade of public bridleway to public footpath between points P-Q-R (the northern end of this footpath would also be diverted over a proposed station footbridge at a later date).

JA2

Appendix JA - Autumn 2018 Lineside Route Proposal



= Unaffected Public Rights of Way

= **Lineside Proposal** for new public bridleway A-B-C-D-E

= Proposed downgrade of public bridleway to public footpath between points X-Y-Z (the northern end of this footpath would also be diverted over a proposed station footbridge at a later date).

JA3

Appendix JA - Infield Route Proposal Map

Tackley Bridleway - Proposed Infield Bridleway Route



JA4

Appendix JA - February 2019 Tackley Bridleway Options

Tackley Bridleway Options

Proposed bridleway diversion route



Lime Kiln Road option 1 using proposed bridleway diversion



Land at the end of Lime Kiln Road privately owned – access across this would need to be agreed.

Lime Kiln Road option 2 using existing Public Rights of Way



Narrow bridge across a watercourse – this would need to be widened/replaced for horses.

Steep slope up to the field – ground would need to be graded to create ramps for horses.

Lime Kiln Road option 3 using edge of fields (informal footpaths)



Area heavily vegetated, boggy and subject to flooding.

Harborne Road option 1 following the proposed diversion route



Two narrow bridges over a watercourse would need to be replaced with wider bridleway bridges.

Informal footpath would need to be upgraded into a bridleway.

Harborne Road option 2 using existing Public Rights of Way



Harborne Road option 3 using edge of fields (informal footpaths)



St John's Road option 1 using the proposed diversion route



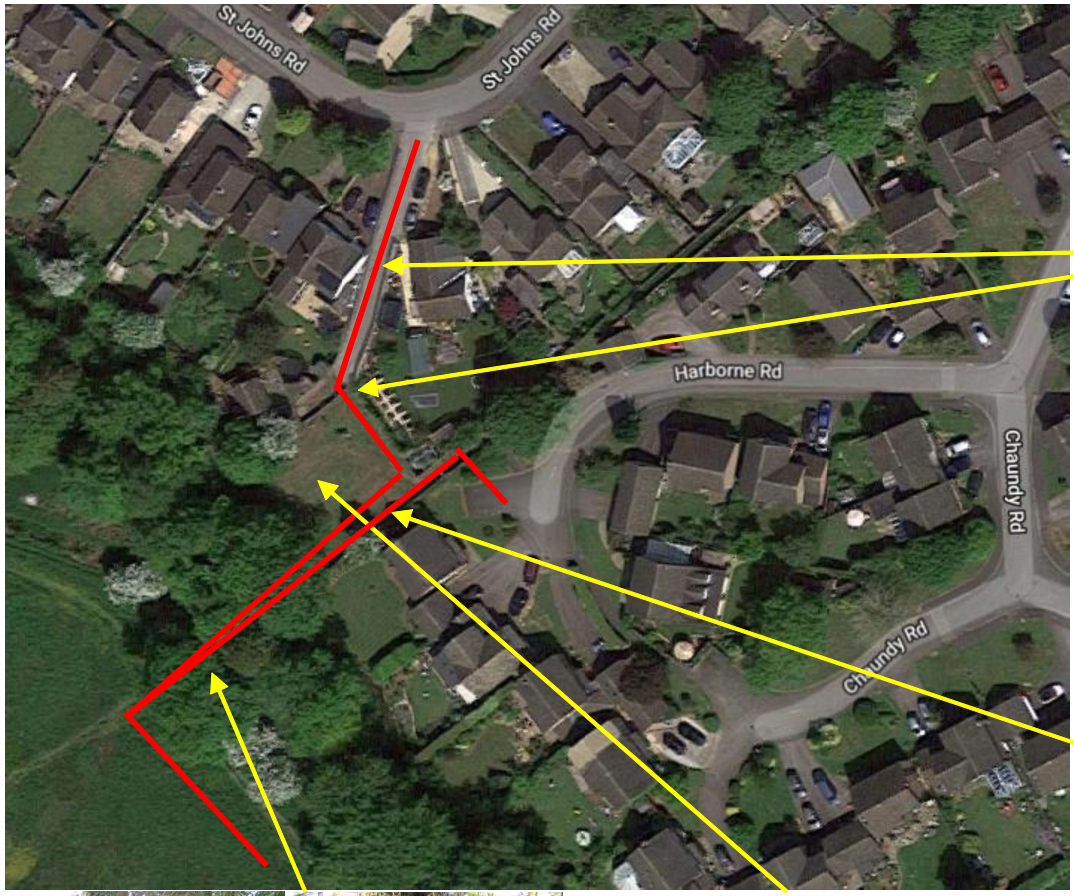
St John's Road option 2 using existing Rights of Way

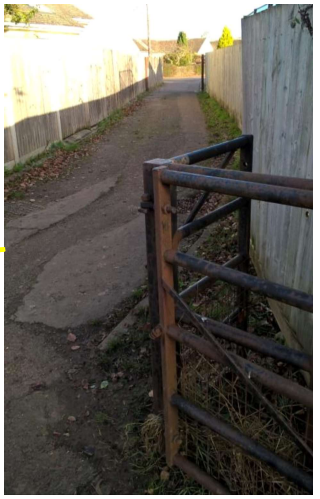


St John's Road option 3 using edge of fields (informal footpaths)



Harborne Road and St John's Road options

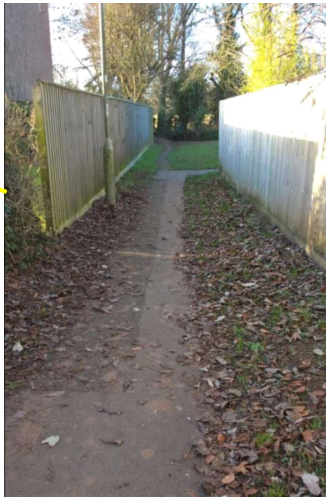




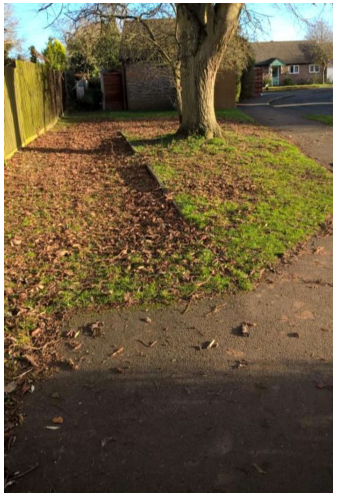
Private road / access to Thames Water pumping station



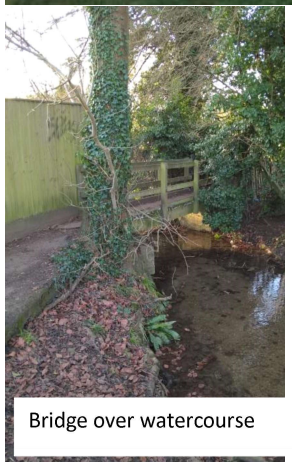
Gate would need to be widened for horses



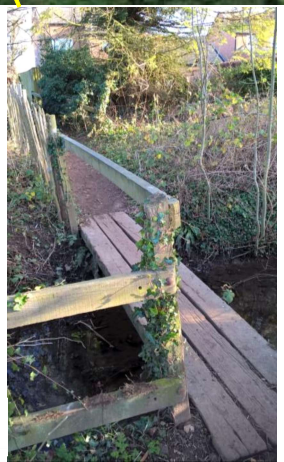
Footpath to Harborne Road



Access to Harborne Road



Bridge over watercourse





Jubilee Garden

JA5

Tackley Bridleway – November 2021 Diversion Option





= Route to be extinguished (bridleway over the railway)

= New bridleway route

JA6

James Audley

From: Janice Bridger [redacted]
Sent: 05 February 2021 10:13
To: James Audley
Subject: RE: Horse Riders next to the Railway Report

Dear James,
Here is a summary below. I will check with BHS Head office whether we are making the full report generally available.

The reason for us to conduct this survey was to gather evidence that the reason for exclusion of horses from the new Misbourne Greenway in Bucks was not based on evidence. Sustrans reported to us that Network Rail refused horse access to this new path, which is being developed by Sustrans and part of which is on Network Rail land, because of the proximity of the railway line. BHS Head office is following this up with Network Rail to try to understand how their policy has been reached. If you have any insight into this, we would be very pleased to hear.

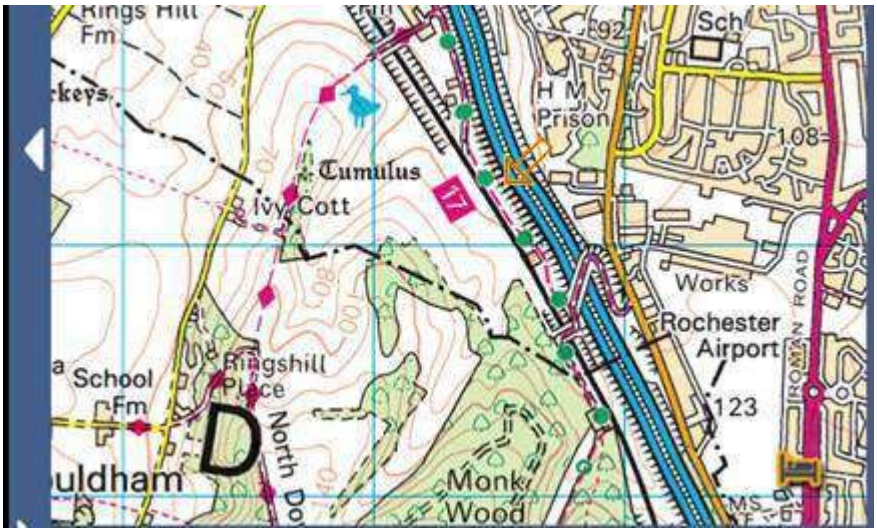
A survey (conducted in 2020) of examples where horses are ridden alongside active railway lines showed:

1. The active railways which are adjacent to horse riding routes comprise HS1 (see * below), main rail lines, branch lines & heritage steam railways.
2. Some routes are part of Sustrans National Cycle Network routes.
3. Some routes are part of rides promoted by local authorities or the British Horse Society.
4. One route alongside a railway line is part of the Pennine Bridleway National Trail developed specifically for use by horses, cyclists and walkers.
5. Some permitted routes alongside active railway lines are or were part of a Defra / NE permissive access scheme.

We conclude that there is no evidence that it is unsafe to ride /drive horses next to active railway lines on routes shared with walkers and cyclists.

Specific examples with locations are available on request.

*Clearly, when HS1 was built, it was thought acceptable by the railway authorities to have a bridleway alongside a very fast railway line. Also, the bridleway is part of National Cycle Network, NCN 17, developed by Sustrans, and clearly it is thought acceptable by Sustrans for walkers & cyclists to share bridleway with horses alongside a fast railway line. A video of riders riding the bridleway as a train passes can be viewed at https://youtu.be/bVc_3s4UEiQ.
Bridleway (shown as red dashes), near Rochester, Kent adjacent to the HS1 railway line (solid black line). Motorway shown as blue lines. National Cycle Route 17 shown.



In addition further examples of horses being ridden next to active railway lines with trains passing can be viewed on the internet at:

- https://www.facebook.com/shela.a.ryan/videos/10158909845957082/
- https://www.youtube.com/watch?v=8l9qabVCpVw ; https://www.youtube.com/watch?v=OmqewOhQF9A
- https://www.facebook.com/groups/ASTHE/permalink/3525720824130908/

Also, it should be noted that when the railways were built in the 19th century, public bridleways and byways were diverted alongside railway lines for horses to use.
END of summary.

Best wishes,

Janice
[redacted]

From: James Audley [redacted]
Sent: 05 February 2021 09:28
To: Janice Bridger
Subject: Horse Riders next to the **Railway Report**

OFFICIAL

Hi Janice,

In your/the BHS response you mentioned that recently the Society conducted a small survey of paths used by horses alongside active railway lines. This showed that horses are being ridden alongside railway lines, including HS1 and that these results are available on request.

Is it possible to get a copy of these survey results?

Kind Regards
James

James Audley
Liability Negotiations Adviser - Western Route
[redacted]

HORSE RIDING ADJACENT TO ACTIVE RAILWAY LINES.

Version 4: Compiled by J Bridger 7th Oct 2020; updated with further info of 13th Oct 2020; edited 6th April 2021

KEY POINTS

This paper presents over 20 examples from around the country of where horses are ridden on public roads, byways, bridleways or permissive bridleways which are alongside active railway lines and shared with walkers & cyclists. It is not a comprehensive list.

The active railways which are adjacent to horse riding routes comprise HS1, main lines, branch lines & heritage steam railways. It should be noted that a bridleway was diverted alongside HS1 when HS1was built.

Three of the routes next to railway lines are also part of a Sustrans National Cycle Network route.

One route alongside a railway line is part of the Pennine Bridleway National Trail developed specifically for use by horses, cyclists and walkers and thus thought safe.

Nine routes are part of rides promoted by local authorities or the British Horse Society.

One route was part of a Defra/ NE permitted bridleway for 20 years.

Several videos are referenced.

An example of where a riding arena has been recently built alongside a railway line is given.

The BHS has no reports of accidents resulting from riding close to railway lines.

It should be noted that when the railways were built in the 19th century, public bridleways and byways were diverted alongside railway lines for horses to use

We conclude that there is no evidence that it is unsafe to ride /drive horses next to active railway lines on routes shared with walkers & cyclists.

PURPOSE OF PAPER:

To collect examples of where horses are being ridden or driven next to active railway lines on routes shared with walkers & cyclists.

METHODOLODY

A call was put out in summer 2020 on equestrian social media for examples of where horses were being ridden or driven alongside active railway lines and whether there were any problems. The data was collated into this report. The data provided has not been independently verified. There are likely to be many more examples around the country. No examples of carriage driving came forward.

THE HISTORIC CONTEXT

Horses were the form of transport before railways were built in the 19th century. At that time, horses were used to help build the railways. Horse transport then co-existed with railway transport. For example, a horse and carriage was often used to transport people & goods to railway stations for onward travel. Horses were themselves loaded onto trains and transported to, for example, to race meetings. These trains were all steam trains. Thus, there is no historic evidence that horses and railways do not mix.

PRESENT DAY CONTEXT

Horses are trained to conduct a wide range of activities in a variety of situations including, in the past, going to war where they were in grave danger.

Today, horses are mainly used for sport & recreation, ranging from Olympic Sports to recreational leisure riding in rural, semi-rural and urban situations. They are exposed, and trained, to accept the hazards that the modern world presents including riding on and alongside roads (such as motorways with heavy goods traffic), aeroplanes and hot air balloons in the sky etc. There is no inherent reason why horses cannot be exposed to railways.

EXAMPLES OF LOCATIONS WHERE HORSE RIDING TAKES PLACE ADJACENT TO ACTIVE RAILWAY LINES IN ENGLAND AND WALES: horse riding routes and other situations where horses are kept

HORSE RIDING ROUTES

Videos

1. **Alongside HS1 in Kent:**

   https://youtu.be/bVc_3s4UEiQ
   See below for further information

2. https://www.youtube.com/watch?v=8l9qabVCpVw ;

3. https://www.youtube.com/watch?v=OmqewOhQF9A

4. **Kingussie, Highlands Scotland**

   Video of horses being ridden as train passes. See entry below for map location.
   https://www.facebook.com/shela.a.ryan/videos/10158909845957082/

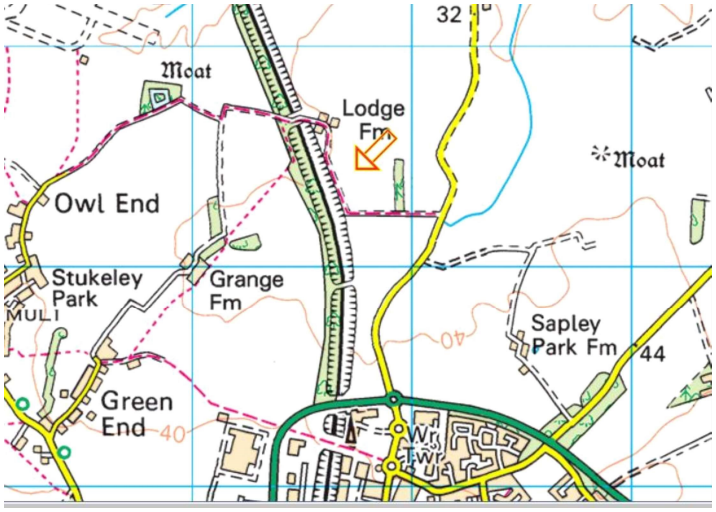
(Child Protection issues? – no, posted as on internet?)

5. Fuldatal, Germany

Posted on Facebook 'As seen through the horses' ears'
By Steven Haase 22 / 23 Nov 2020
https://www.facebook.com/groups/ASTHE/permalink/3525720824130908/
Video of group of horses ridden as train passes.

Maps, photos & descriptions

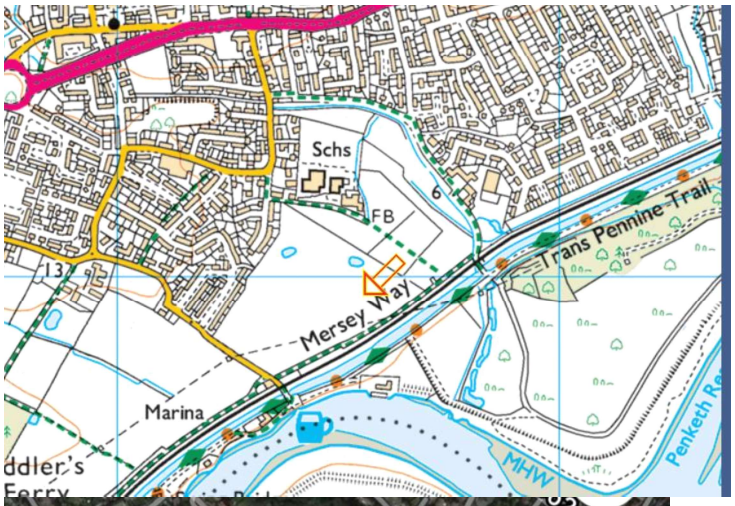
CAMBRIDGESHIRE: Abbots Ripton, nr Huntingdon

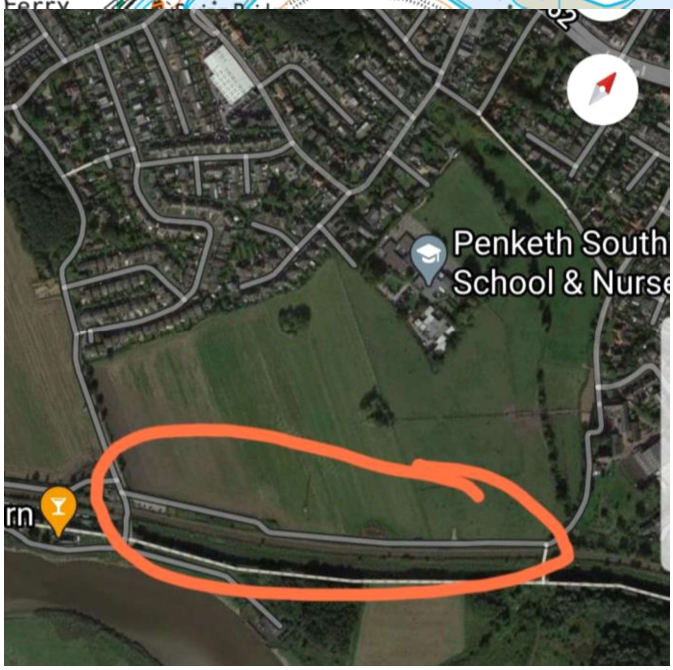


Railway line / single or double line / main line?	From Kings Cross, London: main line north to Peterborough etc
Frequency of trains	
Steam / diesel / speed	
Approx distance from railway fence / railway track	
Status of path alongside where horses are ridden (driven is mentioned if so)	Bridleway
Length next to railway	
Part of a Sustrans NCN route?	
Part of a promoted route or used as organized ride	
Evidence of accidents	
Other	(big wire mesh fence in between)
Equestrian Contact	Sue fenwick-Rogers via Facebook Horse Access Campaign

CHESHIRE:

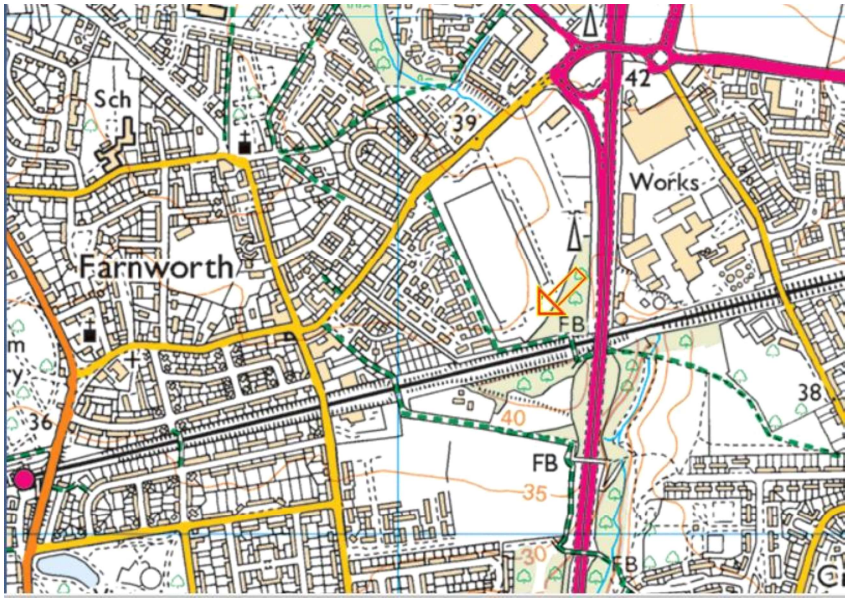
Penketh, Warrington





Railway line / single or double line / main line?	Liverpool to Manchester
Frequency of trains	
Steam / diesel / speed	
Approx distance from railway fence / railway track	
Status of path alongside where horses are ridden (driven is mentioned if so)	Looks to be footpath. Horses legally allowed?
Length next to railway	
Part of a Sustrans NCN route?	
Part of a promoted route or used as organized ride	Mersey way
Evidence of accidents	
Other	
Equestrian Contact	Shazza Brim, Facebook, Horse Acces Campaign

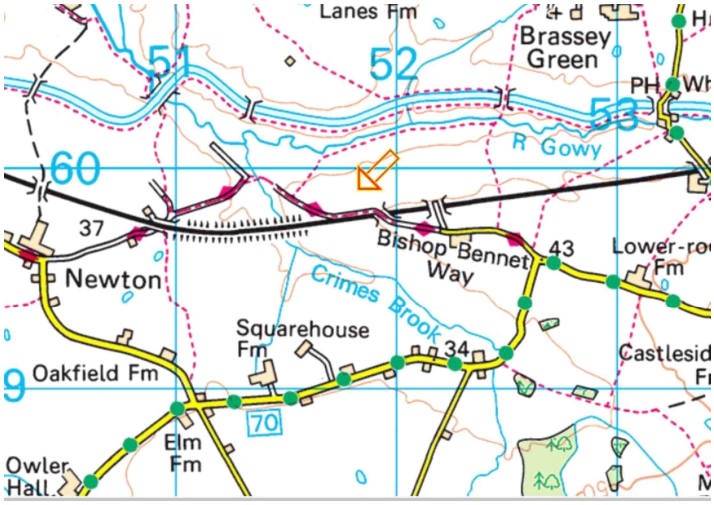
Widnes

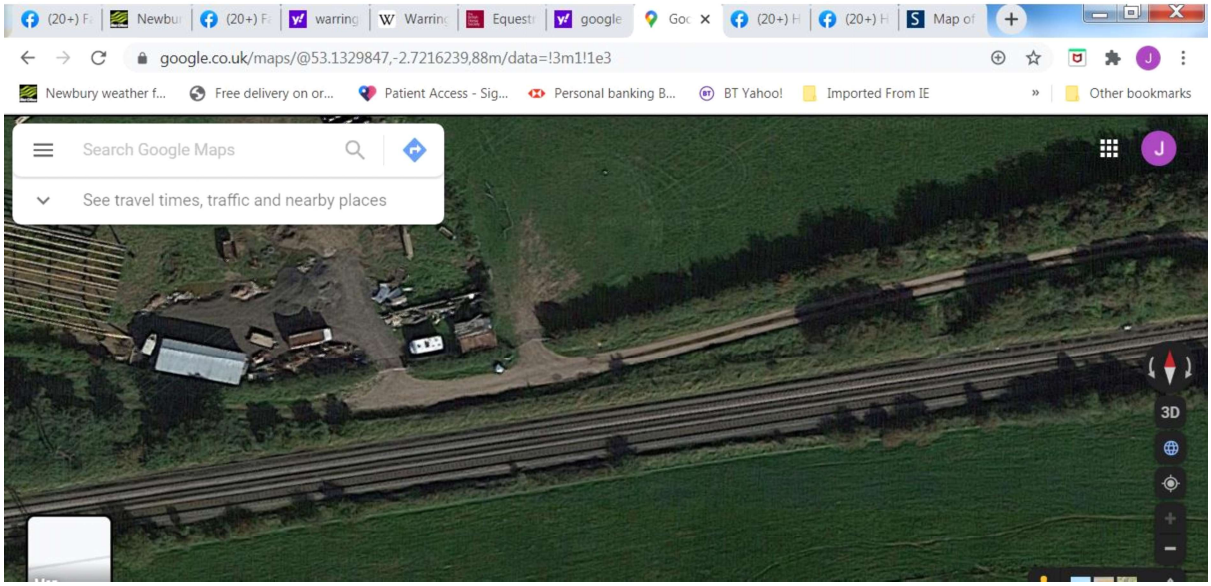




Railway line / single or double line / main line?	the main Liverpool - Manchester rail line
Frequency of trains	
Steam / diesel / speed	
Approx distance from railway fence / railway track	Immediately adjacent. See picture
Status of path alongside where horses are ridden (driven is mentioned if so)	Public Footpath
Length next to railway	
Part of a Sustrans NCN route?	
Part of a promoted route or used as organized ride	This is a public footpath.
Evidence of accidents	
Other	Busy dual carriageway above with a rattlery grid (A557). Ps/ we live right next to the rail track too and lead our horses up our track to their field. Trains whizzing past every 10 mins or so
Equestrian Contact	Shazza Brim Horse Access Campaign UK

Tattenhall





Railway line / single or double line / main line?	
Frequency of trains	
Steam / diesel / speed	
Approx distance from railway fence / railway track	
Status of path alongside where horses are ridden (driven is mentioned if so)	Restricted byway
Length next to railway	
Part of a Sustrans NCN route?	
Part of a promoted route or used as organized ride	Bishop Bennet Way
Evidence of accidents	
Other	
Equestrian Contact	Helen Ann Connelly Facebook Horse Access Campaign

CUMBRIA: Selside, Garsdale Head & Kirby Stephen

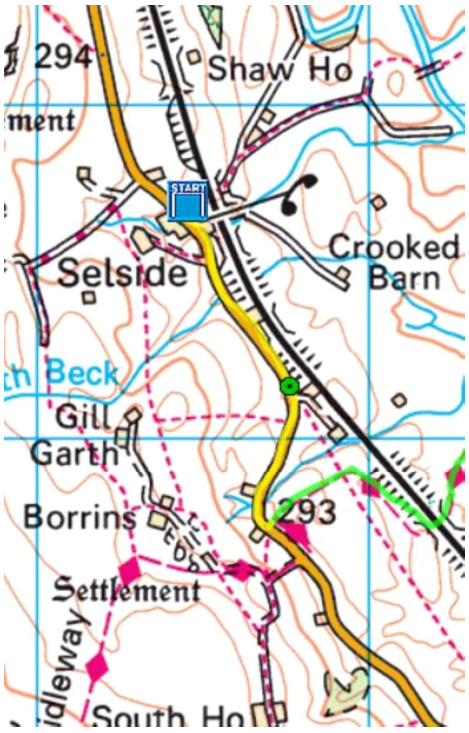
Key point: Part of the Pennine Bridleway, a purpose built National Trail for horses, runs alongside active railway lines at Selside, Garsdale & Kirkby Stephen.

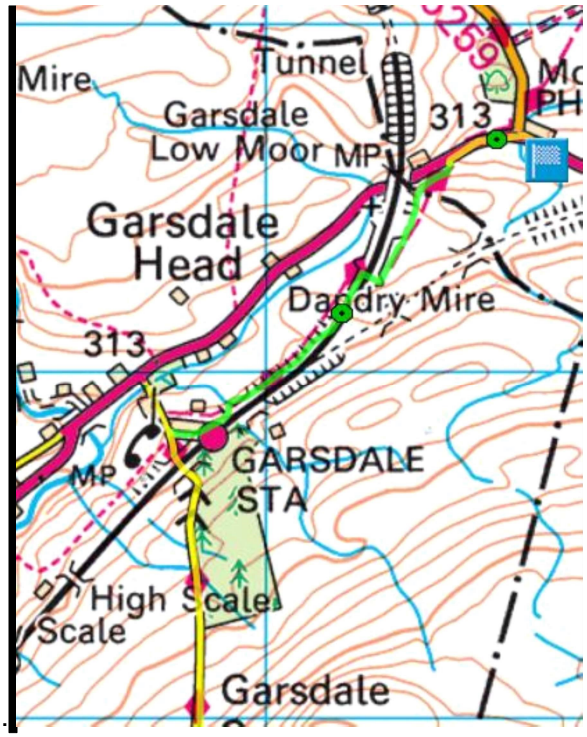
https://www.nationaltrail.co.uk/en_GB/trails/pennine-bridleway/trail-information/

Railway line / single or double line / main line?	Settle – Carlisle Main Line
Frequency of trains	
Steam / diesel / speed	Diesel & Steam
Approx distance from railway fence / railway track	
Status of path alongside where horses are ridden (driven is mentioned if so)	Bridleway
Approx of width of path / length next to railway	
Part of a Sustrans NCN route?	No
Part of a promoted route or used as organized ride	The path is the promoted Pennine Bridleway National Trail designed for horse riders. See www.bhsaccess.org.uk/dobbin/Ridingmap.php?id=northeast/Ridemaps&map=SelsidetoGarsdale
Evidence of accidents / conflict	Mrs Bentley; 'All the railway line encounters we had were not a problem. We had no issues with how many trains used it"
History	The Pennine Bridleway was developed for horse riders & cyclists to share an off-road route
Other	
Equestrian Contact	Mrs Samantha Bentley

Selside, Garsdale Head

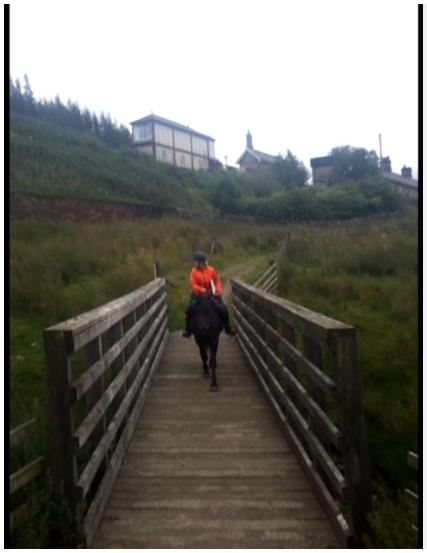
The green line marks the route of the Pennine Bridleway alongside the railway line at Selside & Garsdale.







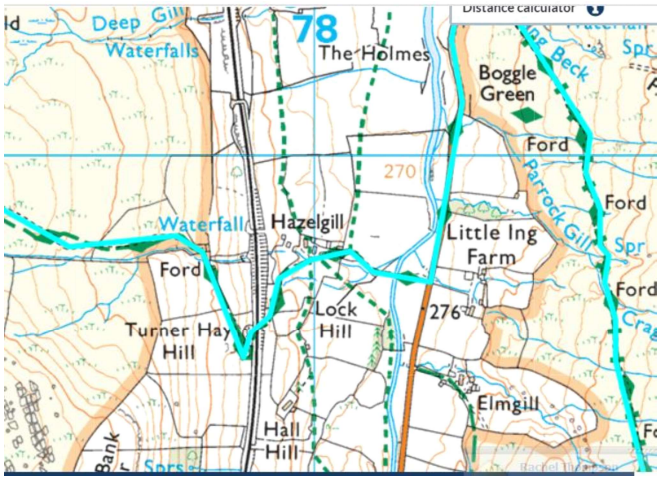






South of Kirby Stephen

The blue line marks the Pennine bridleway.



The Pennine bridleway passes under the railway bridge, then doubles back on itself up the side of Turner Hay hill.





Photos by kind permission of Mrs J Samantha Bentley in 2016

CUMBRIA; Hincaster

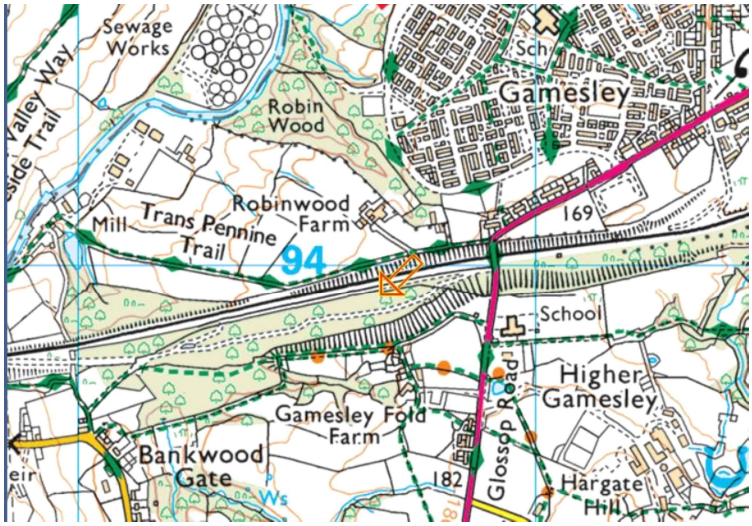
Key points: Promoted route runs alongside main line.

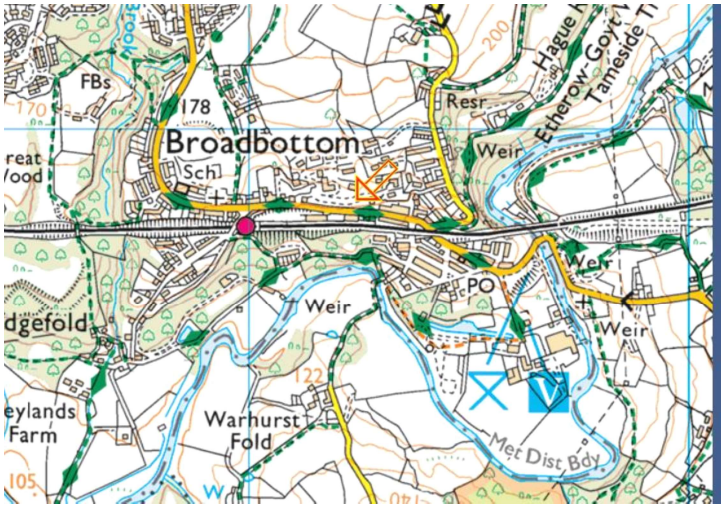


Red line marks route

Railway line / single or double line / main line?	West Coast Main line
Frequency of trains	
Steam / diesel / speed	
Approx distance from railway fence / railway track	
Status of path alongside where horses are ridden (driven is mentioned if so)	
Approx of width of path / length next to railway	
Part of a Sustrans NCN route?	
Part of a promoted route or used as organized ride	Hincaster Trailway http://www.hincastertrailway.co.uk/ safe traffic free routes for use on foot, cycle or horseback and suitable for mobility scooters and wheel chairs.
Comments from riders Evidence of accidents / conflict	
History	
Other	LA7 7ND area
Equestrian Contact	Hannah Gardner, Facebook: Horse Access Campaign

DERBYSHIRE, nr GLOSSOP: Broadbottom through Charlesworth



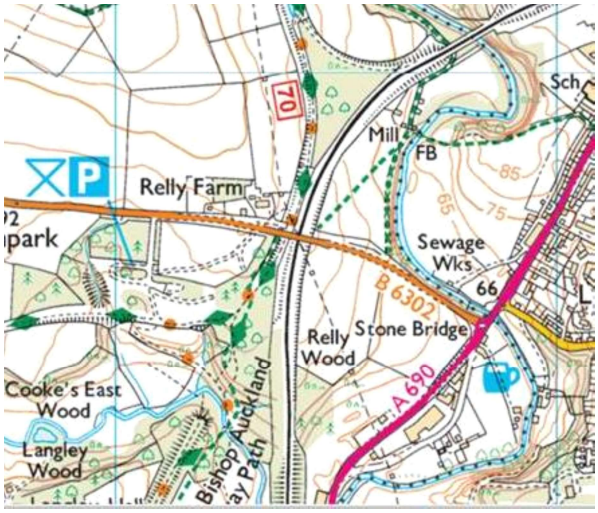


Railway line / single or double line / main line?	Main line
Frequency of trains	
Steam / diesel / speed	
Approx distance from railway fence / railway track	
Status of path alongside where horses are ridden (driven is mentioned if so)	Unclear: FP and public road?
Length next to railway	
Part of a Sustrans NCN route?	
Part of a promoted route or used as organized ride	Part of Trans Pennine Trail
Evidence of accidents	
Other	
Equestrian Contact	Debbi Hall: Facebook Horse Access Campaign UK

DURHAM: nr Nevilles Cross

Key point: Old railway lines were converted to off-road routes by Durham CC for walkers, cyclists and horse riders and, in places, ran parallel to active railway lines.

Railway line / single or double line / main line?	East Coast Mainline
Frequency of trains	
Steam / diesel / speed	
Approx distance from railway fence / railway track	
Status of path alongside where horses are ridden (driven is mentioned if so)	
Approx of width of path / length next to railway	
Part of a Sustrans NCN route?	
Part of a promoted route or used as organized ride	Lanchester Valley Way (multi-user, walkers, cyclists, horse riders etc) along the old railway line between Lanchester and Durham. It is part of the Durham Railway Path network which is owned and managed by Durham CC. See https://www.durham.gov.uk/article/3691/Railway-paths
Comments from riders Evidence of accidents / conflict	I admit to being nervous the first time I rode that section. Sure enough just as I was approaching the bend where you got a full view of the line, a fast train whizzed by. My horse took no notice. In those days there was only a substantial fence separating the rail track from the path I was on. Today I am sure the vegetation will have grown up so the railway will not be visible from the path. Durham CC should have records going back to the 80s of any accidents that might/not have occurred. Contact them as they could give an independent viewpoint. In the 1980s there was nothing between the railway path and the ECML except the normal fence. Since then a lot of scrub has grown up so it is now well screened The railway path gets a lot of use by horse riders. There are several livery yards which have easy access to it.
History	
Other	
Equestrian Contact	Sue Rogers

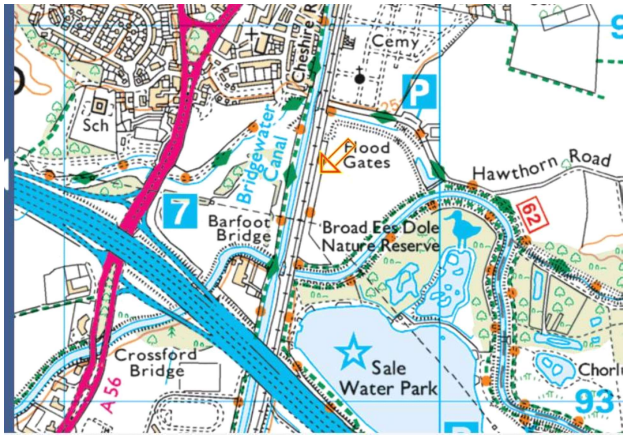

70
Sch
Mill
FB
Relly Farm
85
65
75
Sewage
Wks
66
B 6302
Relly Stone Bridge
Relly
Wood
A 690
Cooke's East
Wood
Langley
Wood
Bishop Auckland

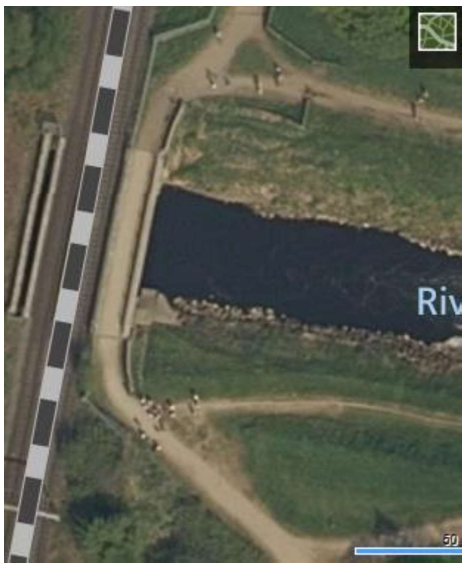
GREATER MANCHESTER: Sale

Key point: route promoted for horse riders; Sustrans route

Railway line / single or double line / main line?	Altrincham tramway
Frequency of trains	
Steam / diesel / speed	
Approx distance from railway fence / railway track	
Status of path alongside where horses are ridden (driven is mentioned if so)	
Approx of width of path / length next to railway	
Part of a Sustrans NCN route?	NCN 82
Part of a promoted route or used as organized ride	**Published on the British Horse Society's** website as a horse riding route. https://www.bhsaccess.org.uk/dobbin/Ridingmap.php?file=Northwestindex
Evidence of accidents / conflict	
History	
Other	
Equestrian Contact	See above link

The track crosses the Mersey at the side of the Manch.

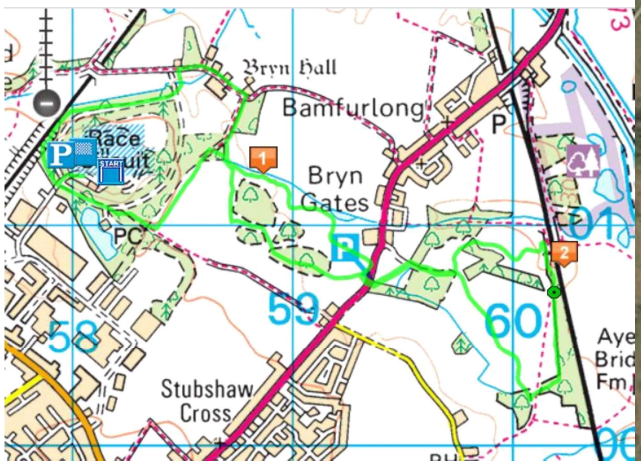


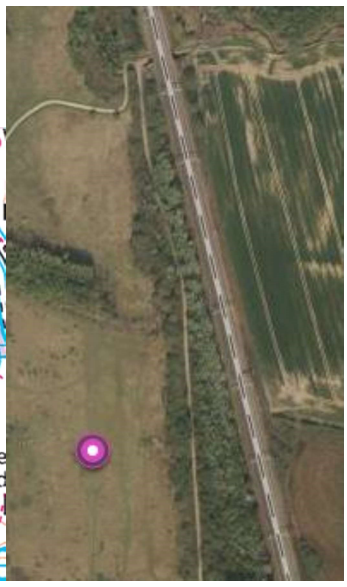


GREATER MANCHESTER: Ashton-in-Makerfield

Key point: promoted route

Railway line / single or double line / main line?	West Coast Main Line
Frequency of trains	Frequent
Steam / diesel / speed	Fast
Approx distance from railway fence / railway track	Reported very close to railway line on an open section
Status of path alongside where horses are ridden (driven is mentioned if so)	
Approx of width of path / length next to railway	
Part of a Sustrans NCN route?	
Part of a promoted route or used as organized ride	Three Sisters Ride **Published on the British Horse Society's website** as a horse riding route. https://www.bhsaccess.org.uk/dobbin/Ridingmap.php?file=Northwestindex
Evidence of accidents / conflict	Liz Roskell reports that horses are fine alongside railway
History	
Other	
Equestrian Contact	Graeme Bruce / Liz Roskell



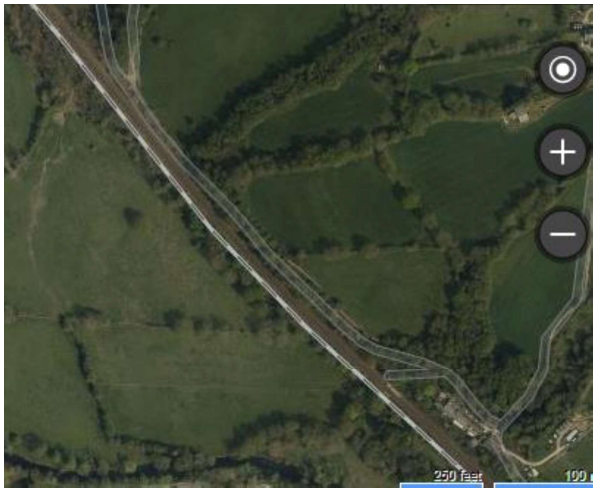


GREATER MANCHESTER: Marple

Key point: promoted route for horses

Railway line / single or double line / main line?	Northern trains
Frequency of trains	2 x an hour
Steam / diesel / speed	
Approx distance from railway fence / railway track	
Status of path alongside where horses are ridden (driven is mentioned if so)	
Approx of width of path / length next to railway	
Part of a Sustrans NCN route?	no
Part of a promoted route or used as organized ride	**Published on the British Horse Society's MapMyHack** website as a horse riding route. https://www.bhsaccess.org.uk/dobbin/MapMyHack.php
Evidence of accidents / conflict	
History	
Other	
Equestrian Contact	See above link





LANCASHIRE: Pleasington





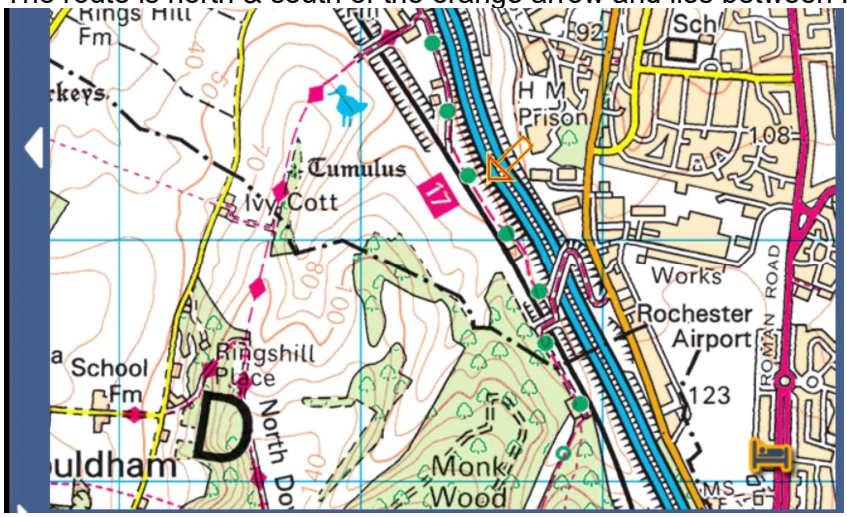
Railway line / single or double line / main line?	East Lancs
Frequency of trains	
Steam / diesel / speed	
Approx distance from railway fence / railway track	
Status of path alongside where horses are ridden (driven is mentioned if so)	Bridleway
Length next to railway	
Part of a Sustrans NCN route?	
Part of a promoted route or used as organized ride	
Evidence of accidents	
Other	
Equestrian Contact	Janet Blessington, Karen Parks: Facebook Horse Access Campaign

KENT: alongside HS1, south of Chatham.

Key points:

i. Clearly, when HS1 was built, it was thought acceptable by the railway authorities to have a bridleway alongside a very fast railway line.
ii. The video at https://youtu.be/bVc_3s4UEiQ shows horses being ridden alongside as a train passes.
iii. The bridleway is part of National Cycle Network, NCN 17, developed by Sustrans.

.
The route is north & south of the orange arrow and lies between HS1 & the M2 in parts.

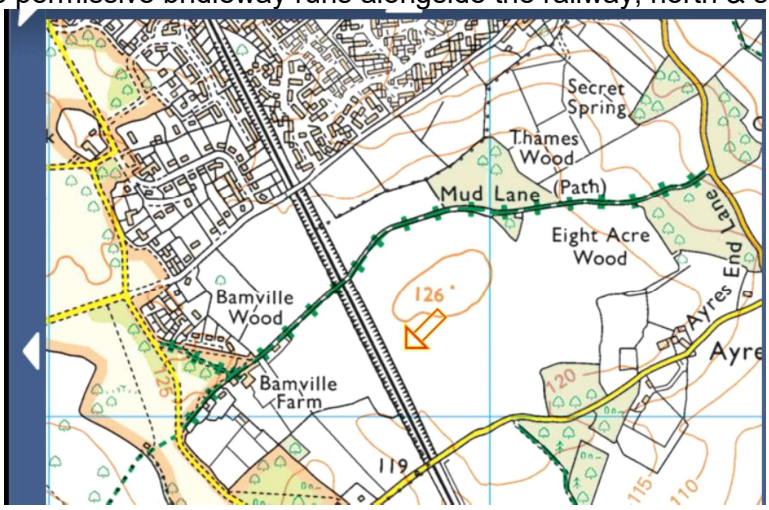


Railway line / single or double line / main line?	HS1
Frequency of trains	High
Steam / diesel / speed	Electric / fast
Approx distance from railway fence / railway track	See video. At one point, the bridleway is between HS1 and the M2.
Status of path alongside where horses are ridden (driven is mentioned if so)	Bridleway
Length next to railway	About 1km
Part of a Sustrans NCN route?	NCN 17
Part of a promoted route or used as organized ride	Part of a BHS ride (from several years ago) in a book of rides
Evidence of accidents	None
Other	https://youtu.be/bVc_3s4UEiQ 20 seconds in to the video The video shows a horse who had never met HS1 before.
Equestrian Contact	Sarah Rayfield

HERTS: Harpenden / Wheathampstead

Key point: A permissive bridleway has been provided by the landowner alongside the railway and is used by horse riders.

The permissive bridleway runs alongside the railway, north & south of the orange arrow

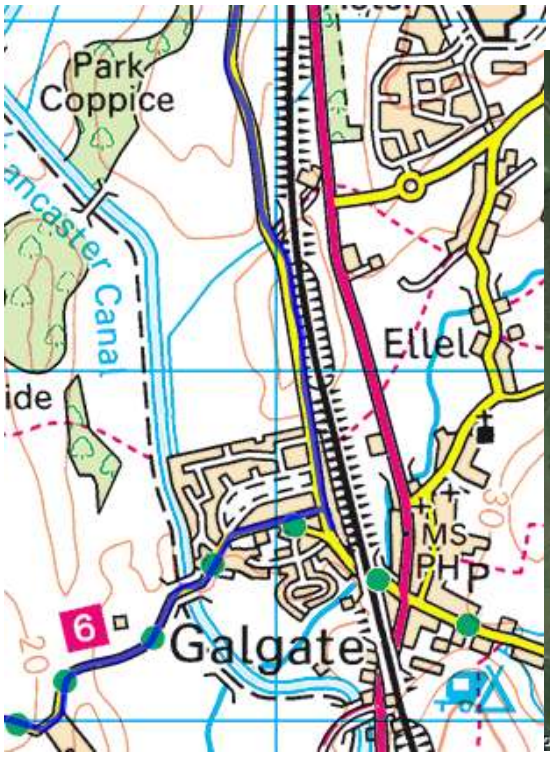


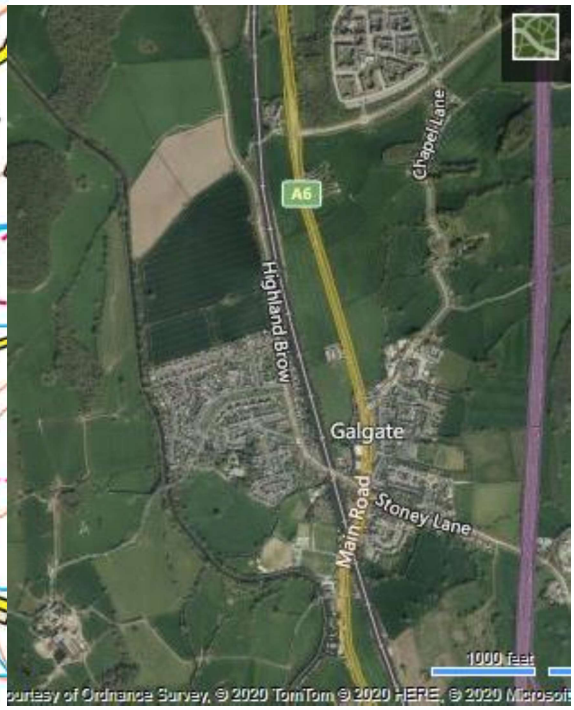
Railway line	Midland Main line
Frequency of trains	
Steam / diesel / electric /speed	
Approx distance from railway fence / railway track	
Status of path alongside where horses are ridden (driven is mentioned if so)	Permissive bridlepath.
Approx of width of path	
Length next to railway	Looks to be approx. 500m
Part of a Sustrans NCN route?	no
Evidence of use. Part of a promoted route or used as organized ride	Area has a very high horse population and these paths are used extensively on a daily basis, including by the local riding school, with no problems
Evidence of accidents / conflict	No problems. Permissive path put in alongside railway
History	The farmer has given a permissive bridlepath (at grade and on the top of the cutting) from Mud Lane, a public byway, going alongside the railway to Ayres End Lane, and thence continues to join Heartwood Forest. From there a permissive bridleway joins a recorded bridleway from the A1081 to Sandridgebury, crossing the railway at Cheapside over a narrow accommodation bridge
Other	Pictures to be provided
Equestrian Contact	rhodaharrison@btinternet.com provided the information. 07889 219161/ 01582 766480. Member of the BHS Herts county Committee and the BHS Herts access group. Keeps horse at West End Farm, John Featherstone BHS County Access officer Herts

LANCs Galgate, nr Lancaster

Key point: a promoted route for horses

Horse route shown by blue line





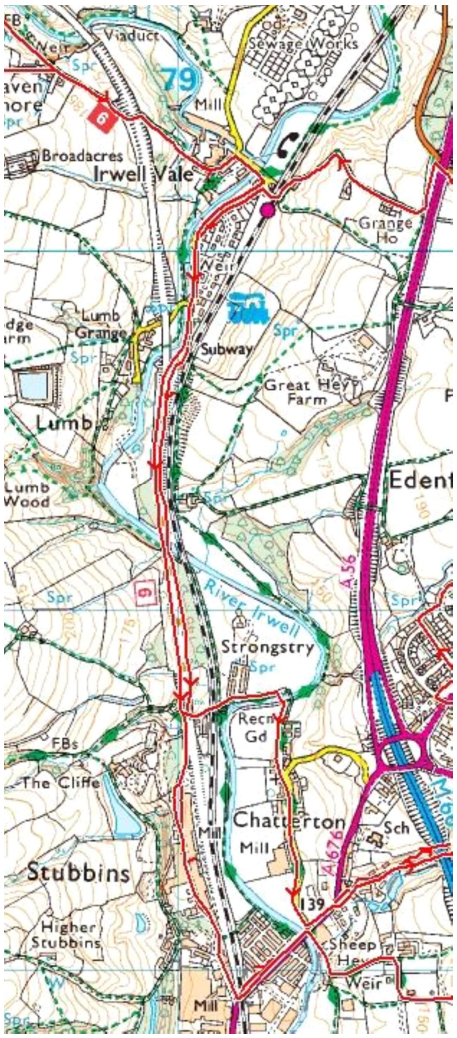
Railway line / single or double line / main line?	West Coast Main line
Frequency of trains	
Steam / diesel / speed	
Approx distance from railway fence / railway track	
Status of path alongside where horses are ridden (driven is mentioned if so)	The route uses a road which runs parallel to the main line
Approx of width of path / length next to railway	
Part of a Sustrans NCN route?	
Part of a promoted route or used as organized ride	**Published on the British Horse Society's MapMyHack** website as a horse riding route. https://www.bhsaccess.org.uk/dobbin/MapMyHack.php
Evidence of accidents / conflict	
History	
Other	
Equestrian Contact	Graeme Bruce

LANCS: Edenfield, Rossendale,

Key points:

i. Steam railway alongside
ii. Part of NCN 6
iii. Used as regular group ride

The red line denotes the path and the route of organized horse rides.



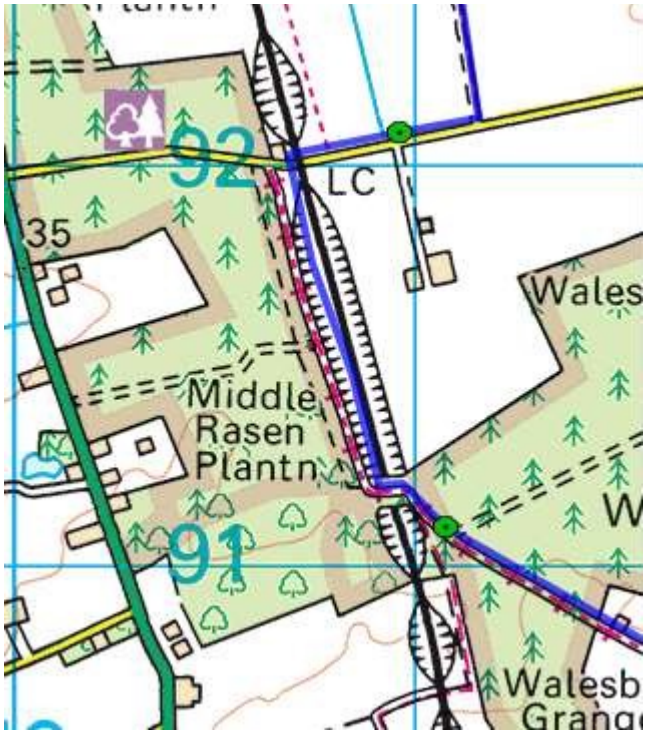
Railway line / single or double line / main line?	East Lancs Railwa, between Rawtenstall and Bury.
Frequency of trains	Approx hourly in each direction on Fridays Saturdays and Sundays On weekdays run as a commuter link into Bury.
Steam / diesel / speed	Steam & diesel. Leisure & commuting line Maximum speed ~ 25mph but the drivers "like to give it welly" and make as much noise as possible!
Approx distance from railway fence / railway track	Runs alongside railway and over a level crossing The track at its closest is about 40 ft and where it runs out about 150 ft..
Status of path alongside where	NCN 6.

horses are ridden (driven is mentioned if so)	On a disused railway line Recognised as multi user by Lancs County Council rights of way dept
Length next to railway	~ 1.2 miles
Part of a Sustrans NCN route?	NCN 6 Part surfaced with rubber surfacing material.
Part of a promoted route or used as organized ride	Part of a promoted route. Used as part of a regular organised ride by FORBA with up to 15 participants. Kay Bruce: I've ridden the route many times with various folks in small or large groups without problems
Evidence of accidents / conflict	See above
History	It was earmarked as a multi user route by a project between FORBA and Rossendale Borough Council 20 years ago before SUSTRANS got involved.
Other	Trains run when path alongside is at its busiest. Path used by walkers, cyclists & horse riders.
Equestrian Contacts	Chris Peat: (FORBA / BHS Regional Access & Bridleways Officer); Graeme Bruce; Kay Bruce

LINCS: Market Rasen

Key point: part of a promoted route for horse riders

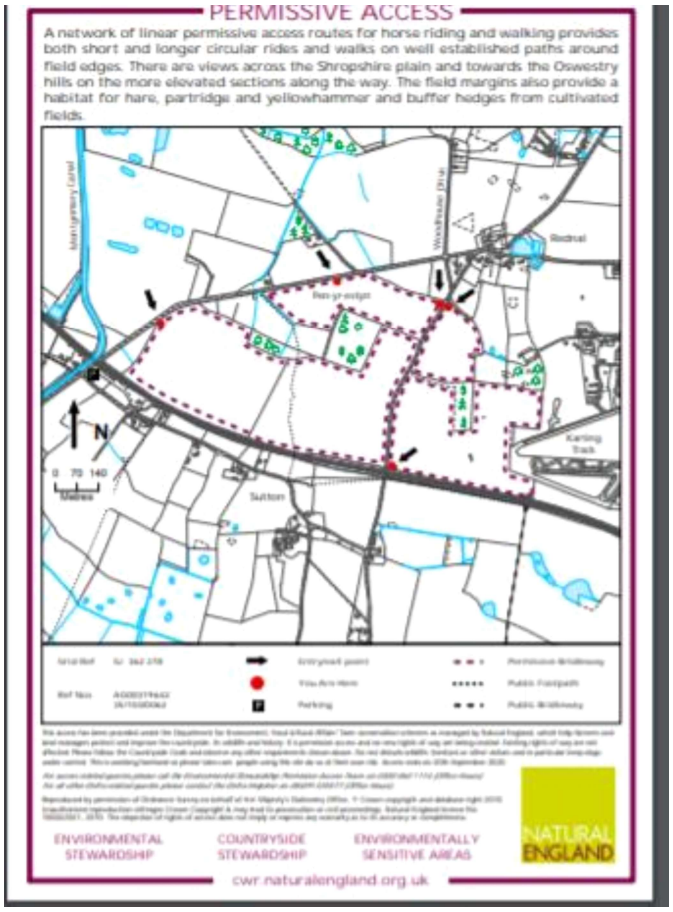
Railway line / single or double line / main line?	East Midlands main line to Market Rasen and onward
Frequency of trains	
Steam / diesel / speed	
Approx distance from railway fence / railway track	
Status of path alongside where horses are ridden (driven is mentioned if so)	Bridleway Promoted on the BHS site https://www.bhsaccess.org.uk/dobbin/Ridingmap.php?file=Ridemapshome
Approx of width of path / length next to railway	
Part of a Sustrans NCN route?	
Part of a promoted route or used as organized ride	
Evidence of accidents / conflict	
History	
Other	Several crossings of the line are level crossings
Equestrian Contact	See above link



SHROPSHIRE: West Felton

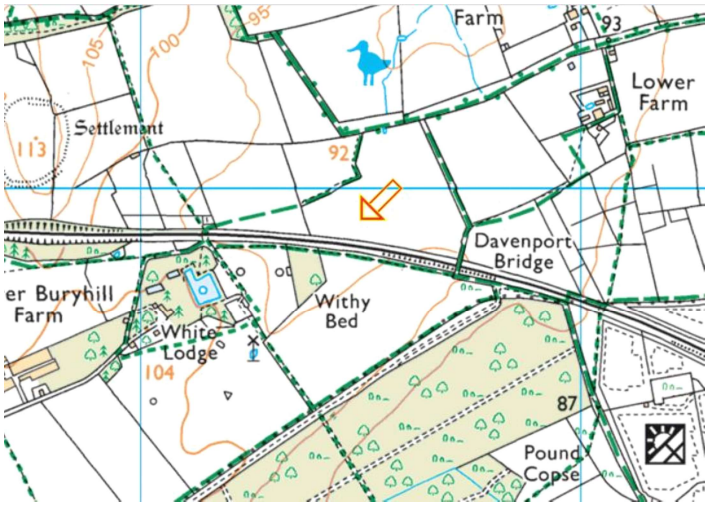
Key point: **DEFRA/NE paid the landowner for 20 years for a bridleway route right alongside a main railway line**

Railway line / single or double line / main line?	Main line
Frequency of trains	
Steam / diesel / speed	
Approx distance from railway fence / railway track	**with the long stretch alongside the main railway line**
Status of path alongside where horses are ridden (driven is mentioned if so)	Permissive bridleway
Approx length next to railway	
Part of a Sustrans NCN route?	
Part of a promoted route or used as organized ride	**DEFRA,/NE permissive bridleway CPH Reference No 35/150/0062 Rednal Farm, West Felton, Shropshire. Expired on 30th September 2020.** http://cwr.naturalengland.org.uk/default.aspx?Site=3990
Evidence of accidents	
History	
Other	OS Landranger 126 Grid Ref SJ362278
Equestrian Contact	Zia Robins, Facebook: Horse Access Campaign



WILTSHIRE: east of Minety

Key point: Part of a bridleway network used by horse riders

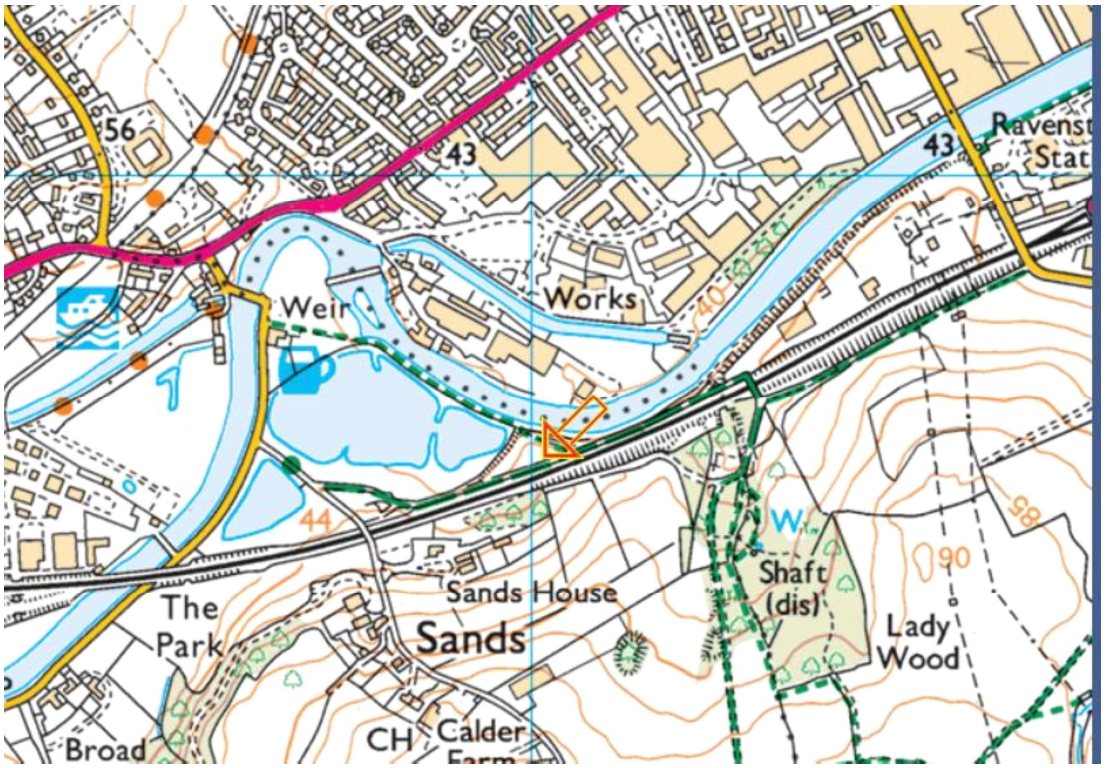


Railway line / single or double line / main line?	Swindon- Stroud - Gloucester
Frequency of trains	Hourly
Steam / diesel / speed	
Approx distance from railway fence / railway track	
Status of path alongside where horses are ridden (driven is mentioned if so)	Bridleway
Approx length next to railway	1km
Part of a Sustrans NCN route?	No
Part of a promoted route or used as organized ride	Ridden frequently
Evidence of accidents	none
History	
Other	
Equestrian Contact	Niki King via Janice Bridger or Wessex Trec

YORKSHIRE (west): Mirfield / Ravensthorpe / Calder River

Key point: part of a promoted ride

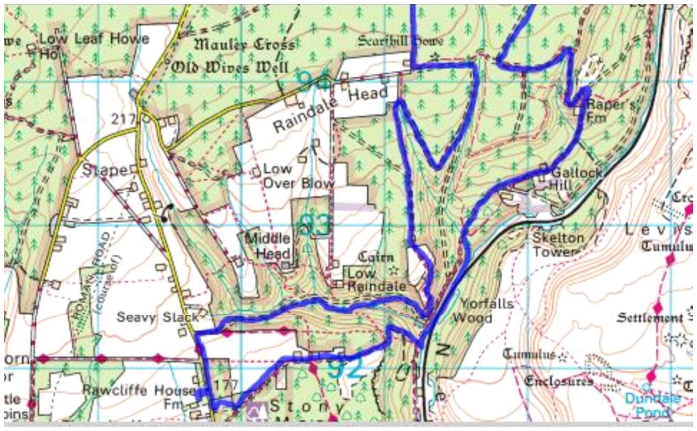
Railway line / single or double line / main line?	Main line
Frequency of trains	Frequent
Steam / diesel / speed	Diesel
Approx distance from railway fence / railway track	
Status of path alongside where horses are ridden (driven is mentioned if so)	Bridleway
Approx of width of path / length next to railway	
Part of a Sustrans NCN route?	no
Part of a promoted route or used as organized ride	**Published on the British Horse Society's MapMyHack** website as a horse riding route. https://www.bhsaccess.org.uk/dobbin/MapMyHack.php
Evidence of accidents / conflict	Rider reports no problem riding horse alongside railway
History	
Other	
Equestrian Contact	Graeme Bruce Submitted by Foaley Moley 12/12/2019

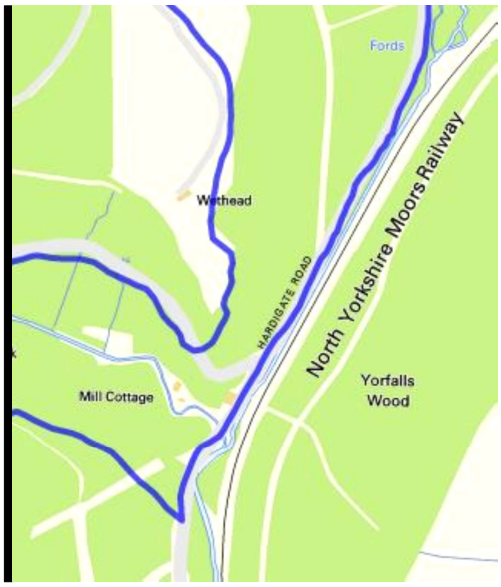


YORKSHIRE (north): Raindale

Key point: part of a promoted ride for horse riders

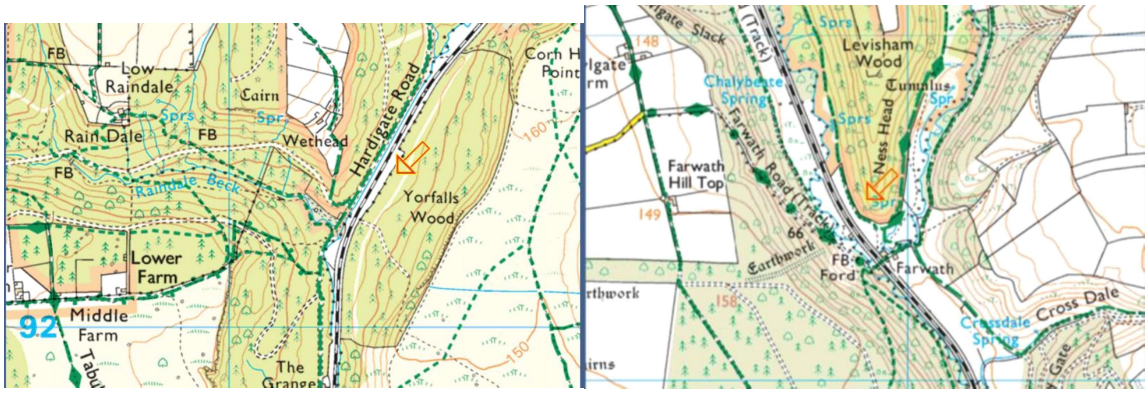
Railway line / single or double line / main line?	North York Moors railway
Frequency of trains	
Steam / diesel / speed	Steam
Approx distance from railway fence / railway track	
Status of path alongside where horses are ridden (driven is mentioned if so)	Bridleway
Approx of width of path / length next to railway	
Part of a Sustrans NCN route?	no
Part of a promoted route or used as organized ride	**Published on the British Horse Society's MapMyHack** website as a horse riding route. https://www.bhsaccess.org.uk/dobbin/MapMyHack.php
Evidence of accidents / conflict	
History	
Other	
Equestrian Contact	See above link





YORKSHIRE (north), nr Newton-on-Rawcliffe / Levisham

Railway line / single or double line / main line?	North York Moors railway
Frequency of trains	
Steam / diesel / speed	Steam
Approx distance from railway fence / railway track	
Status of path alongside where horses are ridden (driven is mentioned if so)	Bridleway. Also crosses the line, at grade, at Levisham station
Approx of width of path / length next to railway	
Part of a Sustrans NCN route?	no
Part of a promoted route or used as organized ride	
Evidence of accidents / conflict / comment from riders	We have regularly ridden this route around the **Moors for the Saltersgate Farmers' Hunt "Four Forfeits" pleasure ride and even as a very new** rider I rode that pleasure ride. When we crossed the line on one occasion there was actually a steam train in the station with all the noise and smoke etc of taking on passengers and setting off again. On another occasion we took with us a very young inexperienced horse who, when faced with a train going by on the line, took the lead from the experienced horses he was with and paid little or no attention to the diversion/noise etc.
History	
Other	
Equestrian Contact	Fran Mason



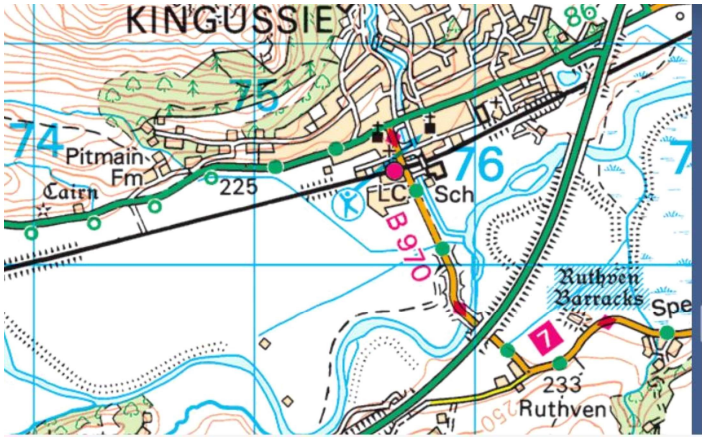
SCOTLAND

Kingussie, Highlands.

Video of horses being ridden as train passes. Not sure which path this relates to on the map but good video.

https://www.facebook.com/shela.a.ryan/videos/10158909845957082/

(Child Protection issues? Awaiting reply about whether OK to use video)



Crossing the nearby level crossing.

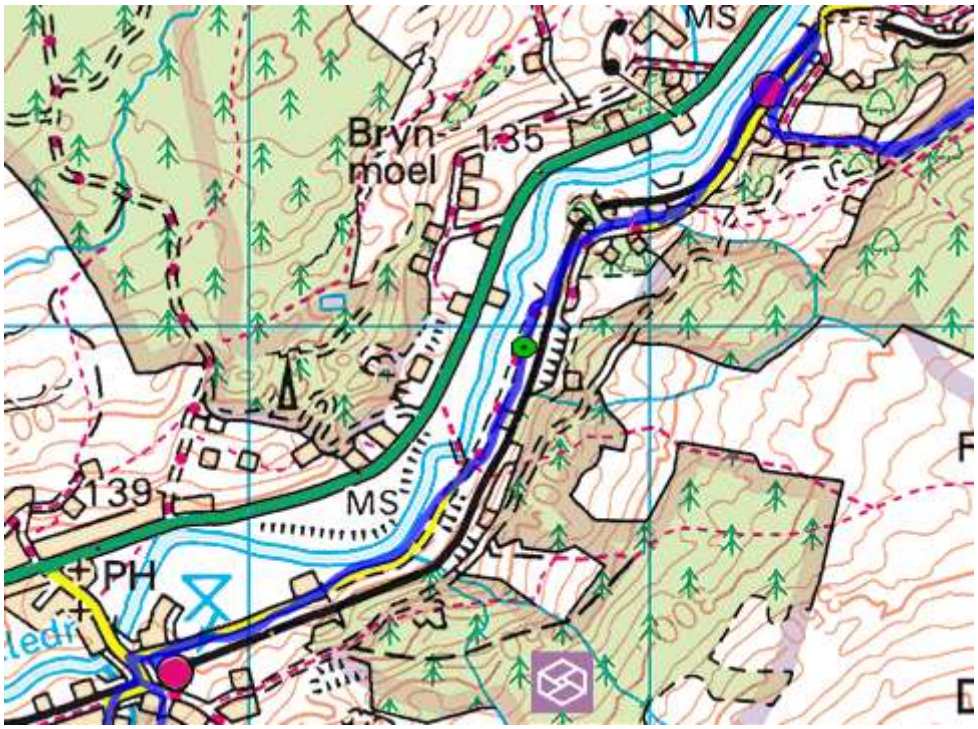


From Liz Davidson, via Facebook Horse Access Campaign

WALES, Conway, Pentre Bont

Key point: part of a promoted route for horse riders

.Railway line / single or double line / main line?	Ffestiniog & Welsh Highland Railways
Frequency of trains	
Steam / diesel / speed	Steam
Approx distance from railway fence / railway track	
Status of path alongside where horses are ridden (driven is mentioned if so)	
Approx of width of path / length next to railway	
Part of a Sustrans NCN route?	
Part of a promoted route or used as organized ride	Published **on the British Horse Society's** MapMyHack website as a horse riding route. https://www.bhsaccess.org.uk/dobbin/MapMyHack.php
Evidence of accidents / conflict	
History	
Other	
Equestrian Contact	See above link



OTHER SITUATIONS:

Equestrian facilities next to railway lines

Horses are kept in fields next to many railway lines. In some instances, equestrian arenas where horses and riders are trained are close to railway lines. For example:

KENT: Church Farm, West Malling

https://goo.gl/maps/YiRW5KmA8gSLKmSo8

JULIA BUCKLE - BHS STAGE 3 COACH IN COMPLETE HORSEMANSHIP, STAGE 4 CARE AND MANAGEMENT, STAGE 4 TEACH, DR

Has a yard in Offham/Ryarsh next to the main line from Ashford to Victoria with her school within 20metres of the track, maybe less? **You can see the school's proximity** here. She runs pole clinics etc from there.

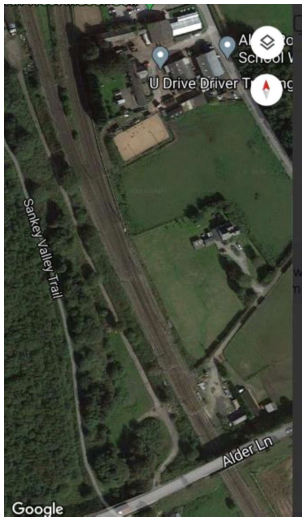
New arena built with entrance near to railway line.

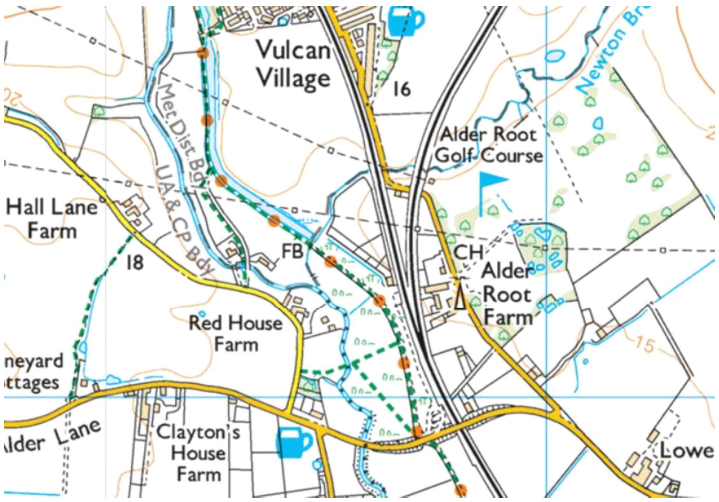
She says she has "no problem whatsoever" with the normal trains with her own or visiting horses. An occasional horse will react to the diesel freight train morning and evening but **only the first time (I'm sure they won't run diesel freight trains on HS2!)**

Sarah Rayfield

CHESHIRE: Winwick, nr Warrington

Grazing fields, exercise arenas and multi user track along side

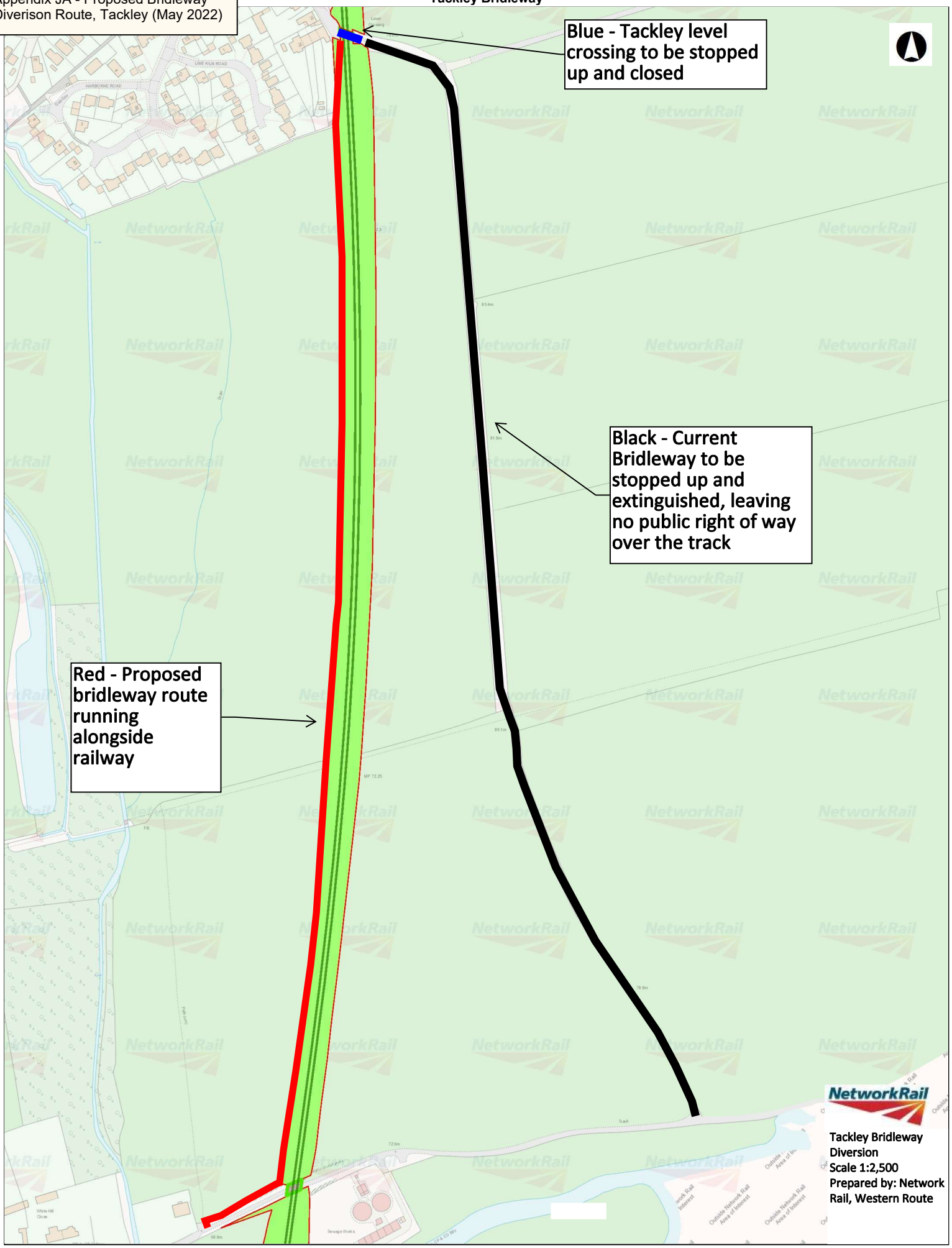




Shazza Brim, Facebook, Horse Access Campaign

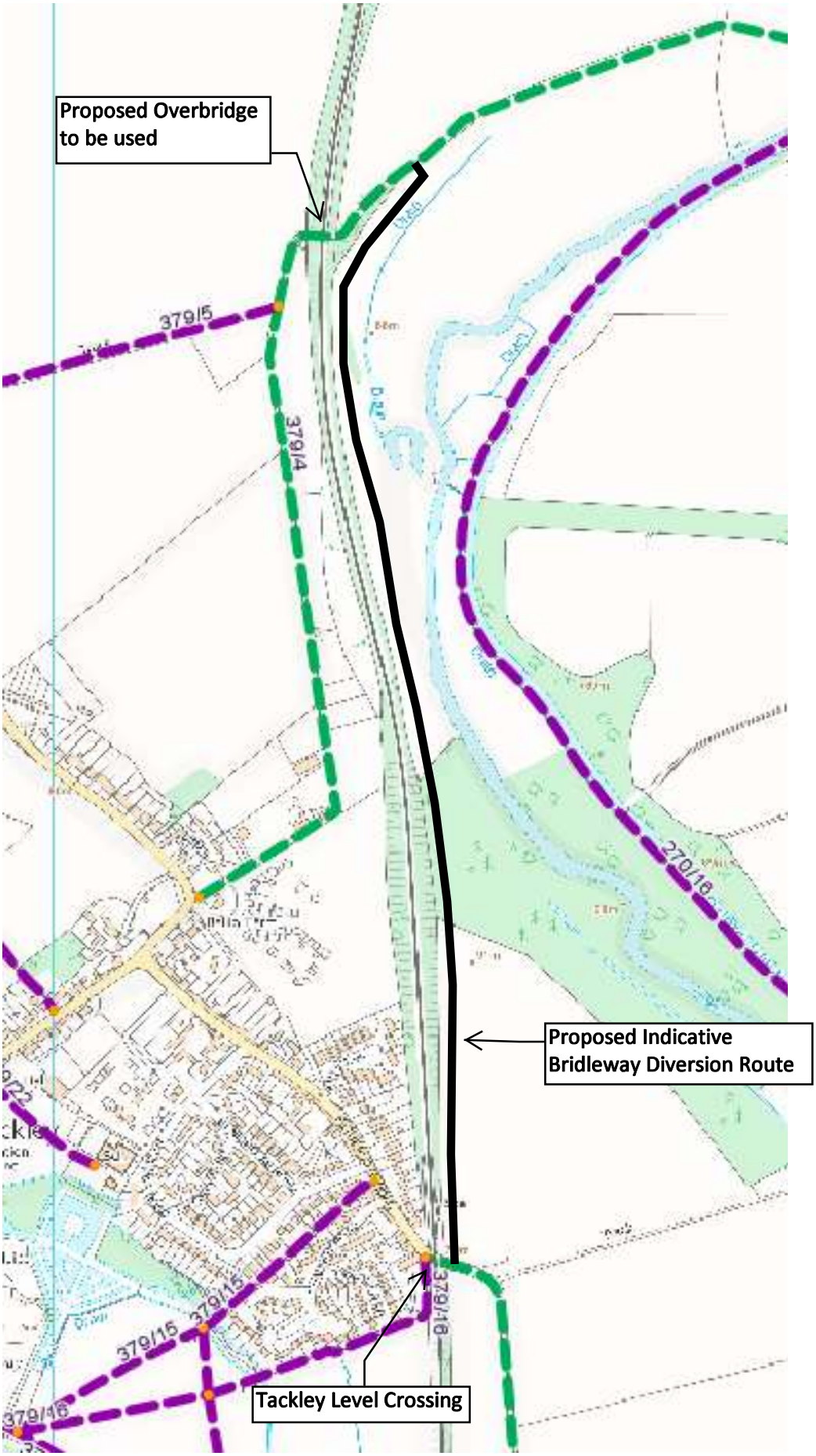
JA7

Appendix JA - Proposed Bridleway Diverison Route, Tackley (May 2022)



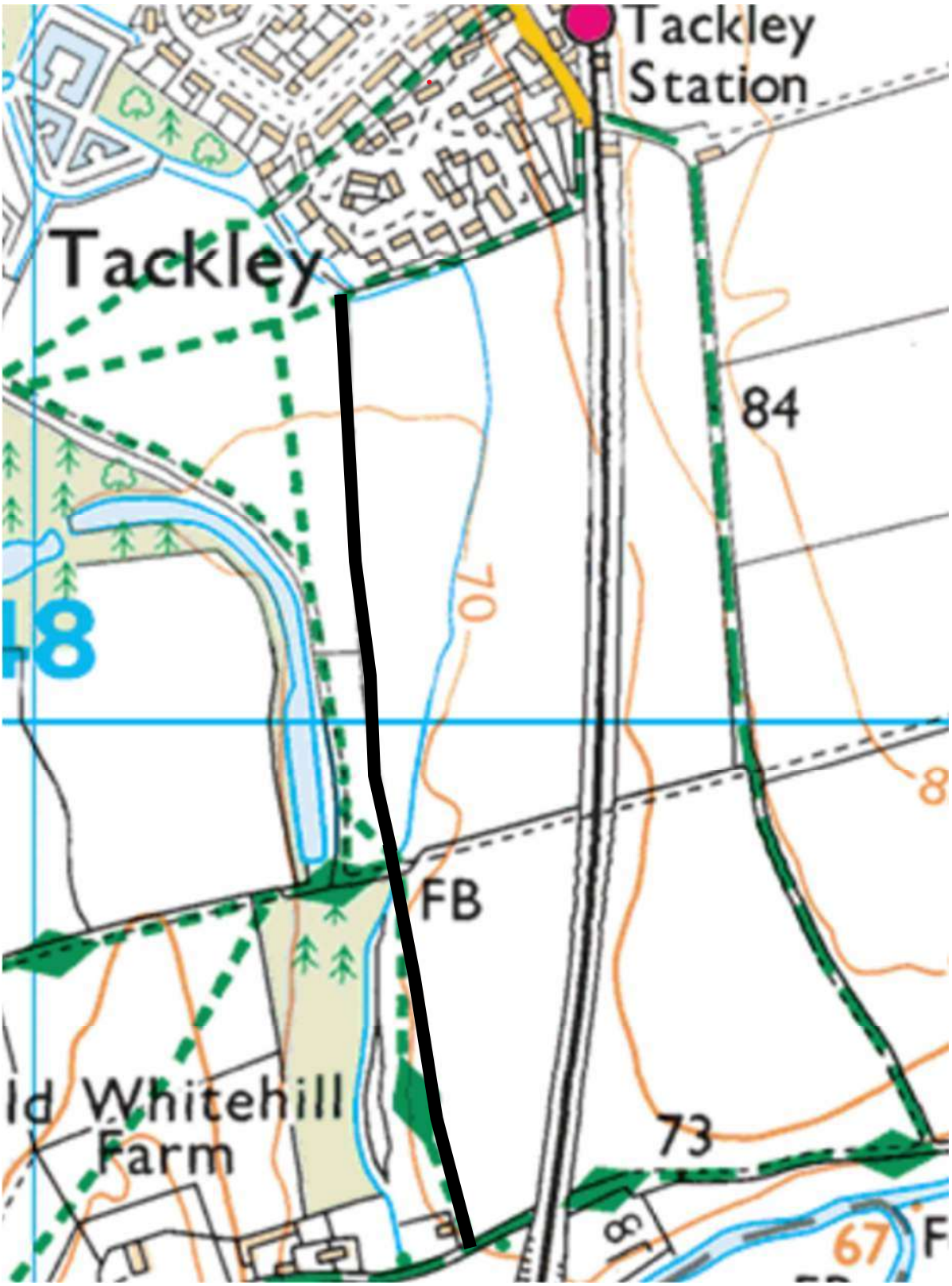
JA8

Appendix JA - Northern Bridleway Proposal



JA9

Appendix JA - July 2023 Western Route Proposal



JA10

RAILWAY BYELAWS

Made under Section 219 of the Transport Act 2000 by the Strategic Rail Authority (the "Authority") and confirmed under Schedule 20 of the Transport Act 2000 by the Secretary of State for Transport on 22 June 2005 for regulating the use and working of, and travel on or by means of, railway assets, the maintenance of order on railway assets and the conduct of all persons while on railway assets (the "Byelaws").

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Introduction: Railway Byelaws – Why they help us to help you

RAILWAY BYELAWS

Conduct and behaviour

1. Queuing
2. Potentially dangerous items
3. Smoking
4. Intoxication and possession of intoxicating liquor
5. Unfit to be on the railway
6. Unacceptable behaviour
7. Music, sound, advertising and carrying on a trade
8. Unauthorised gambling

Equipment and safety

9. Stations and railway premises
10. Trains
11. General safety
12. Safety instructions

Control of premises

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15. Pedestrian-only areas
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17. Compulsory ticket areas
18. Ticketless travel in non-compulsory ticket areas
19. Classes of accommodation, reserved seats and sleeping berths
20. Altering tickets and use of altered tickets
21. Unauthorised buying or selling of tickets
22. Fares offences committed on behalf of another person

Enforcement and interpretation

23. Name and address

24. Enforcement
    (1) Offence and level of fines
    (2) Removal of persons
    (3) Identification of an authorised person
    (4) Notices
    (5) Attempts
    (6) Breaches by authorised persons

25. Interpretation
    (1) Definitions
    (2) Introduction, table of contents and headings
    (3) Plural
    (4) Gender

26. Coming into operation of these Byelaws and revocation of the previous byelaws

Certificate of authenticity

INTRODUCTION

Railway Byelaws – Why they help us to help you

Britain's Railway Byelaws cover trains, track and stations across the country. Thousands of trains use as many stations throughout the day and night. To ensure ease of travel and safety on the railway system, including passengers, staff, property and equipment, the Byelaws need to be observed by everyone.

Conduct and behaviour

Some practices can be generally unpleasant, or can be dangerous to yourselves and others. To make travelling more comfortable and safer, unacceptable behaviour is banned on the railways. Other activities, such as smoking and music have limits imposed on them so that the majority of railway users can travel in comfort.

Equipment and safety

Safety is paramount to the running of all railway services. The Byelaws are very clear on matters of safety – and this protects equipment and property, as well as users and staff.

Control of premises

There are areas across the railway system that have restricted access, for example pedestrian-only areas, as using other forms of transport (e.g. bicycles) may cause a danger. Also, access is not allowed on any non-public parts of an operating network,

such as railway embankments and underground tunnels. Various rules relating to the carriage of animals are also needed.

Travel and fares

There are many different types of tickets available for travel on the national rail network; each type has its own conditions of use. For example, some tickets may be used on the services of more than one operator; others can only be used on a specified train service. If you would like to know more about travel and fares, please ask the operator(s) of the service(s) for the journey you wish to make. Train companies can also give you details about the National Rail Conditions of Carriage that apply when you travel on passenger train services on the railway network.

The Byelaws are there to help everyone to travel easily and safely. This can be only achieved if all users take time to consider their actions and observe the Byelaws.

A full copy of the Railway Byelaws can be obtained free of charge from:

The Secretary
Strategic Rail Authority
55 Victoria Street
LONDON
SW1H 0EU
or
Department for Transport
76 Marsham Street
LONDON
SW1P 4DR

RAILWAY BYELAWS

For definitions of the terms used in these Byelaws, please refer to the end of this document

CONDUCT AND BEHAVIOUR

1. Queuing

(1) An Operator or an authorised person may require any person to queue in order to regulate order or safety on or near the railway.

(2) Any person directed by a notice to queue, or when asked to queue by an authorised person, shall join the rear of the queue and obey the reasonable instructions of any authorised person regulating the queue.

2. Potentially dangerous items

(1) Except with written permission from an Operator or an authorised person, no person shall bring with him or allow to remain on the railway any item which, in the opinion of an authorised person, may threaten, annoy, soil or damage any person or any property.

(2) If any person in charge of an item contrary to Byelaw 2(1) is asked by an authorised person to remove it and fails to do so immediately, it may be removed by or under the direction of an authorised person.

3. Smoking

No person shall smoke or carry a lighted pipe, cigar, cigarette, match, lighter or other lighted item on any part of the railway on or near which there is a notice indicating that smoking is not allowed.

4. Intoxication and possession of intoxicating liquor

(1) No person shall enter or remain on the railway where such person is unfit to enter or remain on the railway as a result of being in a state of intoxication.

(2) Where reasonable notice is, or has been, given prohibiting intoxicating liquor on any train service, no person shall have any intoxicating liquor with him on it, or attempt to enter such a train with intoxicating liquor with him.

(3) Where an authorised person reasonably believes that any person is unfit to enter or remain on the railway, or has with him intoxicating liquor contrary to Byelaw 4(2), an authorised person may:

(i) require him to leave the railway; and

(ii) prevent him entering or remaining on the railway until an authorised person is satisfied that he has no intoxicating liquor with him and/or is no longer in an unfit condition.

5. Unfit to be on the railway

No person shall enter or remain on the railway if, in the reasonable opinion of an authorised person, he is in an unfit or improper condition or his clothing may soil or damage any part of the railway or the property or clothing of any person on the railway.

6. Unacceptable behaviour

(1) No person shall use any threatening, abusive, obscene or offensive language on the railway.

(2) No person shall behave in a disorderly, indecent or offensive manner on the railway.

(3) No person shall write, draw, paint or fix anything on the railway.

(4) No person shall soil any part of the railway.

(5) No person shall damage or detach any part of the railway.

(6) No person shall spit on the railway.

(7) No person shall drop litter or leave waste on the railway.

(8) No person shall molest or wilfully interfere with the comfort or convenience of any person on the railway.

7. Music, sound, advertising and carrying on a trade

(1) Except with written permission from an Operator no person on the railway shall, to the annoyance of any person:

(i) sing; or

(ii) use any instrument, article or equipment for the production or reproduction of sound.

(2) Except with written permission from an Operator no person on the railway shall:

(i) display anything for the purpose of advertising or publicity, or distribute anything; or

(ii) sell or expose or offer anything for sale; or

(iii) tout for, or solicit money, reward, custom or employment of any kind.

(3) A person shall have the written permission referred to in Byelaw 7(1) or 7(2) with him when undertaking the activities referred to in Byelaw 7(1) or 7(2) on the railway and shall hand it over for inspection when asked by an authorised person. A person shall comply with any conditions set out in or attached to the written permission.

8. Unauthorised gambling

No person shall gamble on any part of the railway except lawful gambling on premises authorised by an Operator for that purpose.

EQUIPMENT AND SAFETY

9. Stations and railway premises

(1) No person shall use any escalator except by standing or walking on it in the direction intended for travel.

(2) Where the entrance to or exit from any platform or station is via a manned or an automatic ticket barrier no person shall enter or leave the station, except with permission from an authorised person, without passing through the barrier in the correct manner.

(3) No person shall open a barrier or any other gate on the railway except where there is a notice indicating that it may be used by him or with permission from an authorised person.

(4) Where there is a notice by an entrance or exit on any part of the railway indicating that it shall be used for entrance or exit only, no person shall enter by the exit or leave by the entrance. No person shall enter or leave by an emergency exit except in an emergency or when directed to do so by an authorised person.

(5) No person shall move, operate or stop any lift or escalator except:

(i) in an emergency by means of equipment on or near which is a notice indicating that it is intended to be used in an emergency; or

(ii) in case of a lift, by means of any of the controls intended for use by that person.

10. Trains

(1) No person shall enter through any train door until any person leaving by that door has passed through.

(2) No person shall be in or on any train except the parts of it intended for use by that person.

(3) No person shall open a train door, or enter or leave any train, while it is in motion or between stations.

(4) No person shall enter or leave a train except by proper use of a train door.

(5) In the case of automatic closing doors, no person shall enter or leave by the door when it is closing.

11. General safety

(1) No person shall move, operate, obstruct, stop or in any other way interfere with any automatic closing door, train, or any other equipment on the railway except:

(i) in an emergency, by means of any equipment on or near which there is a notice indicating that it is intended to be used in an emergency; or

(ii) any equipment intended for the use of passengers in that way in normal operating circumstances.

(2) No person shall place, throw, drop or trail anything on the railway which is capable of injuring, damaging or endangering any person or any property.

(3) No person shall, without reasonable cause, activate any emergency system and/or any communications system provided on any part of the railway including a train.

12. Safety instructions

(1) An Operator may issue reasonable instructions relating to safety on any part of the railway by means of a notice on or near that part of the railway. No person shall, without good cause, disobey such notice.

(2) An authorised person may, in an emergency or in other circumstances in which he believes he should act in the interests of safety, issue instructions to any person on the railway. No person shall, without good cause, disobey such instructions.

(3) No offence is committed under these Byelaws where a person acts in accordance with the notices or instructions given under Byelaw 12(1) or 12(2).

CONTROL OF PREMISES

13. Unauthorised access and loitering

(1) No person shall enter or remain on any part of the railway where there is a notice:

(i) prohibiting access; or

(ii) indicating that it is reserved or provided for a specified category of person only, except where he belongs to that specified category.

(2) No person shall loiter on the railway if asked to leave by an authorised person.

14. Traffic signs, causing obstructions and parking

(1) No person in charge of any motor vehicle, bicycle or other conveyance shall use it on any part of the railway in contravention of any traffic sign.

(2) No person in charge of any motor vehicle, bicycle or other conveyance shall leave or place it on any part of the railway:

(i) in any manner or place where it may cause an obstruction or hindrance to an Operator or any person using the railway; or

(ii) otherwise than in accordance with any instructions issued by or on behalf of an Operator or an authorised person.

(3) No person in charge of any motor vehicle, bicycle or other conveyance shall park it on any part of the railway where charges are made for parking by an Operator or an authorised person without paying the appropriate charge at the appropriate time in accordance with instructions given by an Operator or an authorised person at that place.

(4) In England and Wales

(i) The owner of any motor vehicle, bicycle or other conveyance used, left or placed in breach of Byelaw 14(1) to 14(3) may be liable to pay a penalty as displayed in that area.

(ii) Without prejudice to Byelaw 14(4)(i), any motor vehicle, bicycle or other conveyance used, left or placed in breach of Byelaw 14(1) to 14(3) may be clamped, removed, and stored, by or under the direction of an Operator or authorised person.

(iii) The owner of the motor vehicle, bicycle or other conveyance shall be liable to an Operator or an authorised person for the costs incurred in clamping, removing and storing it provided that there is in that area a notice advising that any vehicle parked contrary to these Byelaws may be clamped, removed and stored by an Operator or an authorised person and that

the costs incurred by an Operator or an authorised person for this may be recovered from the vehicle's owner.

(iv) The power of clamping and removal provided in Byelaw 14(4)(ii) above shall not be exercisable in any area where passenger parking is permitted unless there is on display in that area a notice advising that any vehicle parked contrary to these Byelaws may be clamped and/or removed by an Operator or an authorised person.

(5) In Scotland

Any motor vehicle, bicycle or other conveyance used, left or placed in breach of this Byelaw in Scotland may be removed by or under the direction of a constable.

15. Pedestrian-only areas

(1) Any person who enters, or is on, any part of the railway to which the public have access must be on foot, except:

(i) where there is a notice permitting access to that part of the railway to those with specified conveyances; or

(ii) where an Operator or an authorised person has given permission,

and in either case he shall obey any instructions given by an Operator or an authorised person.

(2) No person shall be in breach of this Byelaw for properly using a baby carriage or wheelchair, except where there is a notice or instructions given by an authorised person to the contrary.

16. Control of animals

(1) An Operator may refuse carriage or entry to any animal.

(2) No person shall bring an animal on to the railway without a valid ticket for that animal, if an Operator requires him to have a valid ticket for the carriage of such an animal.

(3) Except with permission from an Operator or an authorised person, no person shall bring an animal on to the railway, which, in the opinion of an authorised person may threaten, annoy, soil or damage any person or property.

(4) If any person in charge of an animal in breach of Byelaw 16(1), 16(2) or 16(3) is asked by an authorised person to remove that animal and fails to do so immediately, that animal may be removed by or under the direction of an authorised person.

(5) No person in charge of an animal shall allow it to foul or damage any part of the railway.

(6) Any person in charge of an animal shall carry it when on an escalator that is in motion.

(7) No person in charge of any animal shall leave or place it unattended on any part of the railway (except in a place provided for that purpose by an Operator and only for as long as it is absolutely necessary and in accordance with any direction of an Operator or an authorised person).

(8) Any animal left or placed in breach of Byelaw 16(7) may be removed and/or stored by or under the direction of an authorised person. The person in charge of the animal shall be liable to an Operator for the cost incurred by an Operator or an authorised person in removing and storing it.

(9) Any person in charge of an animal that has soiled or caused damage to any part of the railway shall be liable to an Operator for the cost of putting the property soiled or damaged back into its proper condition.

(10) Any liability to an Operator under Byelaw 16(8) or 16(9) is in addition to any penalty for the breach of Byelaw 16.

TRAVEL AND FARES

17. Compulsory Ticket Areas

(1) No person shall enter a compulsory ticket area on the railway unless he has with him a valid ticket.

(2) A person shall hand over his ticket for inspection and verification of validity when asked to do so by an authorised person.

(3) No person shall be in breach of Byelaw 17(1) or 17(2) if:

(i) there were no facilities in working order for the issue or validation of any ticket at the time when, and the station where, he began his journey; or

(ii) there was a notice at the station where he began his journey permitting journeys to be started without a valid ticket; or

(iii) an authorised person gave him permission to travel without a valid ticket.

18. Ticketless travel in non-compulsory ticket areas

(1) In any area not designated as a compulsory ticket area, no person shall enter any train for the purpose of travelling on the railway unless he has with him a valid ticket entitling him to travel.

(2) A person shall hand over his ticket for inspection and verification of validity when asked to do so by an authorised person.

(3) No person shall be in breach of Byelaw 18(1) or 18(2) if:

(i) there were no facilities in working order for the issue or validation of any ticket at the time when, and the station where, he began his journey; or

(ii) there was a notice at the station where he began his journey permitting journeys to be started without a valid ticket; or

(iii) an authorised person gave him permission to travel without a valid ticket.

19. Classes of accommodation, reserved seats and sleeping berths

Except with permission from an authorised person, no person shall remain in any seat, berth or any part of a train where a notice indicates that it is reserved for a specified ticket holder or holders of tickets of a specific class, except the holder of a valid ticket entitling him to be in that particular place.

20. Altering tickets and use of altered tickets

(1) No person shall alter any ticket in any way with the intent that an Operator shall be defrauded or prejudiced.

(2) No person shall knowingly use any ticket which has been altered in any way in breach of Byelaw 20(1).

21. Unauthorised buying or selling of tickets

(1) Subject to Byelaw 21(4), no person shall sell or buy any ticket.

(2) Subject to Byelaw 21(4), no person shall transfer or receive any unused or partly used ticket, intending that any person shall use it for travelling unless the conditions of use for the ticket specifically permit such transfer.

(3) Subject to Byelaw 21(4), no person shall knowingly use any ticket which has been obtained in breach of Byelaw 21.

(4) The sale or transfer by, or the purchase or receipt from, an authorised person in the course of his duties or from an authorised ticket machine is excepted from the provisions of Byelaw 21.

22. Fares offences committed on behalf of another person

(1) No person shall buy a ticket on behalf of another intending to enable another person to travel without having paid the correct fare.

(2) No person shall transfer or produce a ticket on behalf of another person intending to enable that other person to travel without having paid the correct fare.

ENFORCEMENT AND INTERPRETATION

23. Name and address

(1) Any person reasonably suspected by an authorised person of breaching or attempting to breach any of these Byelaws shall give his name and address when asked by an authorised person.

(2) The authorised person asking for details under Byelaw 23(1) shall state the nature of the breach of any of these Byelaws in general terms at the time of the request.

24. Enforcement

(1) Offence and level of fines

Any person who breaches any of these Byelaws commits an offence and, with the exception of Byelaw 17, may be liable for each such offence to a penalty not exceeding level 3 on the standard scale.

(2) Removal of persons

(i) Any person who is reasonably believed by an authorised person to be in breach of any of these Byelaws shall leave the railway immediately if asked to do so by an authorised person.

(ii) Any person who is reasonably believed by an authorised person to be in breach of any of these Byelaws and who fails to desist or leave when asked to do so by an authorised person may be removed from the railway by an authorised person using reasonable force. This right of removal is in addition to the imposition of any penalty for the breach of these Byelaws.

(iii) No person shall fail to carry out the instructions of an authorised person acting in accordance with powers given by these Byelaws or any other enactment.

(iv) In exercising powers conferred by Byelaws 24(2)(i) and 24(2)(ii) the authorised person shall state the nature of the breach of any of these Byelaws in general terms prior to exercising the power conferred upon him.

(3) Identification of authorised persons

An authorised person who is exercising any power conferred on him by any of these Byelaws shall produce a form of identification when requested to do so and such identification shall state the name of his employer and shall contain a means of identifying the authorised person.

(4) Notices

No person shall be subject to any penalty for breach of any of the Byelaws by disobeying a notice unless it is proved to the satisfaction of the Court before whom the complaint is laid that the notice referred to in the particular Byelaw was displayed.

(5) Attempts

Any person who attempts to breach any of the Byelaws numbered 9, 10, 11, 13(1), 20(2) and 21 shall be liable to the same penalty as given above for breach of that Byelaw.

(6) Breaches by authorised persons

An authorised person acting in the course of his duties shall not be liable for breach of any of the Byelaws numbered 2, 4(2), 6(3) and 6(5), 7, 9, 10, 11(1), 13, 14, 15, 16(6), 17, 18, 19 and 20(1).

25. Interpretation

(1) Definitions

In these Byelaws the following expressions have the following meanings:

"*authorised person*" means:

(i) a person acting in the course of his duties who:
(a) is an employee or agent of an Operator, or
(b) any other person authorised by an Operator, or

(ii) any constable, acting in the execution of his duties upon or in connection with the railway;

"*compulsory ticket area*" means any area designated as such under a Penalty Fares Scheme and identified by a notice to this effect. Persons who enter a compulsory ticket area without being in possession of a valid ticket may be liable to pay a penalty fare;

"*escalator*" includes any travelator or similar device;

"*Exemption Order*" means the Strategic Rail Authority (Licence Exemption) Order 2001 (SI 2001/218);

"*intoxication*" means being under the influence of intoxicating liquor, drugs or other substances;

"*intoxicating liquor*" has the meaning in England and Wales given to it in the Licensing Act 1964 (as amended or replaced from time to time) and in Scotland means "alcoholic liquor" as that term is defined in the Licensing (Scotland) Act 1976 (as amended or replaced from time to time);

"*notice*" means a notice given by or on behalf of an Operator;

"*Operator*" means:

(i) any person authorised to be the operator of a railway asset by virtue of him holding a licence granted in accordance with Section 8 of the Railways Act 1993 (as amended by the Transport Act 2000; as amended by the Railways Act 2005), and

(ii) those persons listed in Schedule One,

but excluding those persons listed in Schedule Two;

"*previous byelaws*" means those byelaws listed in the Table of Previous Byelaws below, which have been made in relation to the railway by:

(i) an independent railway Operator under section 129 of the Railways Act 1993, and

(ii) the Strategic Rail Authority under section 219 and Schedule 20 of the Transport Act 2000;

Table of Previous Byelaws

Operator	Railways Act 1993	Transport Act 2000	Made	Confirmed
Anglia Railways	√		01.04.99	19.12.00
Arriva Trains Wales/Trenau Arriva Cymru Ltd.		√	22.10.03	04.12.03
Central Trains Limited	√		06.05.99	19.12.00
Connex South Eastern Limited	√		02.03.99	19.12.00
Connex South Central Limited	√		02.03.99	19.12.00
Cross Country Trains Limited	√		14.04.99	19.12.00
English Welsh & Scottish Railway Limited	√		24.05.99	19.12.00
English Welsh & Scottish Railway International Limited	√		28.05.99	19.12.00

Eurostar (UK) Limited	√		16.02.99	19.12.00
First/Keolis TransPennine Limited		√	17.12.03	29.01.04
Freightliner Limited	√		23.03.99	19.12.00
Gatwick Express Limited	√		06.05.99	19.12.00
Great Eastern Railway Limited	√		05.03.99	19.12.00
Great North Eastern Trains Company Limited	√		29.03.99	19.12.00
Great Western Trains Company Limited	√		22.02.99	19.12.00
Heathrow Express	√		19.11.97	22.01.98
Island Line Limited	√		11.02.99	19.12.00
LTS Rail Limited	√		10.02.99	19.12.00
Merseyrail Electrics (2002) Limited		√	20.05.03	10.07.03
Midland Main Line Limited	√		15.03.99	19.12.00
North Western Trains Company Limited	√		02.03.99	19.12.00
Northern Spirit Limited	√		19.05.99	19.12.00
Rail Express Systems Limited	√		24.05.99	19.12.00
RailTrack plc	√		01.04.99	19.12.00
ScotRail Railways Limited	√		12.04.99	19.12.00
Silverlink Train Services Limited	√		23.02.99	19.12.00
South West Trains Limited	√		11.02.99	19.12.00
Thames Trains Limited	√		30.04.99	19.12.00
Thameslink Rail Limited	√		29.01.99	19.12.00
The Chiltern Railway Company Limited	√		05.05.99	19.12.00
Wales & West Passenger Trains Limited	√		02.03.99	19.12.00
West Anglia Great Northern Railway Limited	√		08.02.99	19.12.00
West Coast Trains Limited	√		14.04.99	19.12.00

"*railway*" means the railway assets of, or under the management of, an Operator;

"*railway assets*" means any

(a) train;
(b) network;
(c) station;
(d) light maintenance depot;

and any associated track, buildings and equipment;

"*standard scale*" means:

(i) in relation to England and Wales the meaning given by section 37 of the Criminal Justice Act 1982, and
(ii) in relation to Scotland the meaning given by section 225(1) of the Criminal Procedure (Scotland) Act 1995,

and any replacement, modification or amendment thereto;

"*ticket*" includes

(i) a ticket (including one issued by or on behalf of another railway undertaking) authorising the person for whom it is issued to make the journey covered by the fare paid on a train provided by an Operator (whether or not it also authorises that person to make a journey on a train provided by another railway undertaking),
(ii) any permit authorising the person to whom it is issued to travel on a train provided by an Operator (whether or not it also authorises that person to make a journey on a train provided by another railway undertaking),
(iii) an authority to travel on a train provided by an Operator subject to a condition that payment of the correct fare for the person using that authority on which it is used is made during or at the end of that journey or otherwise as provided by the terms applicable to its use,

(iv) a ticket authorising a person to enter a compulsory ticket area but not to make a train journey,

(v) any type of free pass, privilege ticket, or any warrant, identity card, voucher, or other similar authority accepted by an Operator as authority to travel, or in exchange for or on production of which a ticket for travel may be issued,

(vi) any identity card, reservation or other document required by an Operator to be held or produced for use with other travel documents,

(vii) any type of smart card, pre-pay, or other form of electronic ticket, and

(viii) any other ticket or document issued for the purpose of travel of any animal or article on the railway accepted by an Operator;

"*traffic sign*" means an object or device for conveying, to traffic or any specified class of traffic, warnings, information, requirements, restrictions or prohibitions of any kind;

"*train*" means any item of rolling stock and includes any carriage, wagon or locomotive;

"*valid ticket*" means a ticket (including any associated photo/identity card and/or other travel document) lawfully obtained by or on behalf of the person using or attempting to use it and entitling that person to use the particular railway service he is using or attempting to use. Where the terms attaching to the ticket require validation of the ticket, such ticket shall not be considered to be a valid ticket for the purposes of these Byelaws unless and until the ticket has been properly validated.

(2) Introduction, table of contents and headings

The Introduction, table of contents and headings used in these Byelaws are for assistance only and are not to be considered as part of these Byelaws for the purpose of interpretation.

(3) Plural

Unless the context requires to the contrary, words importing the singular shall include the plural and vice versa.

(4) Gender

Unless the context requires to the contrary, words importing one gender shall include the other gender.

26. Coming into operation of these Byelaws and revocation of the previous byelaws

These Byelaws will come into operation in accordance with the provisions of Section 219 and Schedule 20 of the Transport Act 2000.

When these Byelaws come into effect, the previous byelaws and any other byelaws previously made in relation to the railway by the British Railways Board under the provisions of Section 67 of the Transport Act 1962 on 6 August 1965, and confirmed by the Minister for Transport on 1 September 1965 and amendments thereto confirmed by the Minister of Transport on 12 August 1980; and by the Secretary of State for Transport on 16 November 1981; 9 July 1986 and 26 October 1990 shall be revoked insofar as they apply to railway assets operated by an Operator.

This revocation is without prejudice to the validity of anything done under the previous byelaws or to any liability incurred in respect of any act or omission before the date of the coming into operation of these Byelaws.

The Seal of the Strategic Rail Authority hereto
affixed is authenticated by

Robert Plampin, Secretariat Team Manager,
being a person authorised by the Strategic Rail Authority
on 24 May 2004.

The Secretary of State for Transport confirms the above Byelaws pursuant to Schedule 20 of the Transport Act 2000 and fixes
7 July 2005 as the date the Byelaws shall come into operation.

Signed by the authority of the Secretary of State for Transport
on 22 June 2005.

Peter McCarthy
Rail Safety and Regional Division
Department for Transport

CERTIFICATE OF AUTHENTICITY

It is hereby certified that

(1) the above Byelaws were made by the Strategic Rail Authority;

(2) this is a true copy of the Byelaws;

(3) on 22 June 2005 the Byelaws were confirmed pursuant to Schedule 20 of the Transport Act 2000 by the Secretary of State for Transport; and

(4) the Byelaws came into operation on 7 July 2005.

Robert Plampin
Secretariat Team Manager of the Strategic Rail Authority

SCHEDULE ONE

Byelaw 25(1), Definition of "Operator": Operators defined under sub-section (ii)

- Abbey Rail Limited (Registration Number 04659708)
- Broadway Rail Limited (Registration Number 04659516)
- Golding's Rail Limited (Registration Number 03266760)
- Hay's Rail Limited (Registration Number 03266762)
- OQS Rail Limited (Registration Number 03076444)
- Orchard Rail Limited (Registration Number 04659669)
- South Eastern Trains Limited (Registration Number 03666306)
- South Eastern Trains Holdings Limited (Registration Number 03266770)
- Strutton Rail Limited (Registration Number 04659712)
- Westminster Rail Limited (Registration Number 04661194)
- Any other wholly owned subsidiary of the Authority to which the Exemption Order applies.

SCHEDULE TWO

Byelaw 25(1), Definition of "Operator": Operators excluded by this definition

- Great Central Railway (Nottingham) Limited
- London Underground Limited
- Tube Lines Limited
- Tyne and Wear Passenger Transport Executive

JA11

Appendix JA - Section 57 British Transport Commission Act 1949

PART VII —*cont.*

(*b*) for the reference to the Railways Clauses Consolidation Act 1845 there shall be substituted a reference to the Railways Clauses Consolidation (Scotland) Act 1845.

As to rights of way over roads footpaths &c.

57. As from the passing of this Act no right of way as against the Commission shall be acquired by prescription or user over any road footpath thoroughfare or place now or hereafter the property of the Commission and forming an access or approach to any station goods-yard wharf garage or depot or any dock or harbour premises of the Commission.

Incorporation with certain enactments of provisions as to byelaws &c.

58.—(1) As from the passing of this Act sections 108 to 111 (inclusive) of the Railways Clauses Consolidation Act 1845 shall be deemed to be incorporated with every enactment in force at the passing of this Act by which any railway of the Commission was authorised to be constructed and with which the said sections are not incorporated.

(2) For the purposes of such incorporation the expressions "the company" and "the railway" in the said sections shall mean respectively the Commission and the railway and works authorised to be constructed by the enactment with which the said sections are deemed to be incorporated.

(3) To the extent that any provisions contained in any such enactment with respect to regulating the use of the railway thereby authorised to be constructed may be inconsistent with any of the provisions of the said sections the same are hereby repealed but such repeal shall be without prejudice to the validity of any regulation or byelaw duly made under such repealed provisions and in force at the passing of this Act and any such regulation or byelaw shall continue to have effect except in so far as it may be repugnant to or inconsistent with the provisions of the said sections.

(4) In the application of this section to Scotland for the references to sections 108 to 111 (inclusive) of the Railways Clauses Consolidation Act 1845 there shall be substituted references to sections 101 to 104 (inclusive) of the Railways Clauses Consolidation (Scotland) Act 1845.

As to rights of pre-emption.

59.—(1) As from the passing of this Act the provisions of sections 127 to 131 (inclusive) of the Lands Clauses Consolidation Act 1845 (which relate to the sale of superfluous lands) and any other provisions to the same or similar effect incorporated with or contained in any enactment relating to any undertaking now forming part of the undertaking of the Commission shall not apply to any land which is now vested in or may hereafter be acquired by the Commission under the powers of such enactment.

JA12

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Highways Act 1980 is up to date with all changes known to be in force on or before 11 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F163 S. 29 substituted (12.2.2003 for E and 31.5.2005 for W.) by 2000 c. 37, s. 57, Sch. 6 Pt. I para. 2; S.I. 2003/272, **art. 2(a)(c)**; S.I. 2005/1314, **art. 2(b)(i)**

Modifications etc. (not altering text)

C84 S. 29 modified (1.4.2018) by The Sub-national Transport Body (Transport for the North) Regulations 2018 (S.I. 2018/103), regs. 1(2), **12(d)**

30 Dedication of highway by agreement with parish or community council.

(1) The council of a parish or community may enter into an agreement with any person having the necessary power in that behalf for the dedication by that person of a highway over land in the parish or community or an adjoining parish or community in any case where such a dedication would in the opinion of the council be beneficial to the inhabitants of the parish or community or any part thereof.

(2) Where the council of a parish or community have entered into an agreement under subsection (1) above for the dedication of a highway they may carry out any works (including works of maintenance or improvement) incidental to or consequential on the making of the agreement or contribute towards the expense of carrying out such works, and may agree or combine with the council of any other parish or community to carry out such works or to make such a contribution.

31 Dedication of way as highway presumed after public use for 20 years.

(1) Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it.

[F164(1A) Subsection (1)—

(a) is subject to section 66 of the Natural Environment and Rural Communities Act 2006 (dedication by virtue of use for mechanically propelled vehicles no longer possible), but

(b) applies in relation to the dedication of a restricted byway by virtue of use for non-mechanically propelled vehicles as it applies in relation to the dedication of any other description of highway which does not include a public right of way for mechanically propelled vehicles.**]**

(2) The period of 20 years referred to in subsection (1) above is to be calculated retrospectively from the date when the right of the public to use the way is brought into question, whether by a notice such as is mentioned in subsection (3) below or otherwise.

(3) Where the owner of the land over which any such way as aforesaid passes—

(a) has erected in such manner as to be visible to persons using the way a notice inconsistent with the dedication of the way as a highway, and

(b) has maintained the notice after the 1st January 1934, or any later date on which it was erected,

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Highways Act 1980 is up to date with all changes known to be in force on or before 11 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

the notice, in the absence of proof of a contrary intention, is sufficient evidence to negative the intention to dedicate the way as a highway.

(4) In the case of land in the possession of a tenant for a term of years, or from year to year, any person for the time being entitled in reversion to the land shall, notwithstanding the existence of the tenancy, have the right to place and maintain such a notice as is mentioned in subsection (3) above, so, however, that no injury is done thereby to the business or occupation of the tenant.

(5) Where a notice erected as mentioned in subsection (3) above is subsequently torn down or defaced, a notice given by the owner of the land to the appropriate council that the way is not dedicated as a highway is, in the absence of proof of a contrary intention, sufficient evidence to negative the intention of the owner of the land to dedicate the way as a highway.

(6) An owner of land may at any time deposit with the appropriate council—

(a) a map of the land [F165]..., and

(b) a statement indicating what ways (if any) over the land he admits to have been dedicated as highways;

[F166]and, in any case in which such a deposit has been made, ... declarations[[F167]in valid form] made by that owner or by his successors in title and lodged by him or them with the appropriate council at any time—

(i) within [[F168]the relevant number of] years from the date of the deposit, or

(ii) within [[F169]the relevant number of] years from the date on which any previous declaration was last lodged under this section.

to the effect that no additional way (other than any specifically indicated in the declaration) over the land delineated on the said map has been dedicated as a highway since the date of the deposit, or since the date of the lodgment of such previous declaration, as the case may be, are, in the absence of proof of a contrary intention, sufficient evidence to negative the intention of the owner or his successors in title to dedicate any such additional way as a highway.

[[F170](6A) Where the land is in England—

(a) a map deposited under subsection (6)(a) and a statement deposited under subsection (6)(b) must be in the prescribed form,

(b) a declaration is in valid form for the purposes of subsection (6) if it is in the prescribed form, and

(c) the relevant number of years for the purposes of sub-paragraphs (i) and (ii) of subsection (6) is 20 years.

(6B) Where the land is in Wales—

(a) a map deposited under subsection (6)(a) must be on a scale of not less than 6 inches to 1 mile,

(b) a declaration is in valid form for the purposes of subsection (6) if it is a statutory declaration, and

(c) the relevant number of years for the purposes of sub-paragraphs (i) and (ii) of subsection (6) is 10 years.]

[[F171](6C) Where, under subsection (6), an owner of land in England deposits a map and statement or lodges a declaration, the appropriate council must take the prescribed steps in relation to the map and statement or (as the case may be) the declaration and do so in the prescribed manner and within the prescribed period (if any).]

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Highways Act 1980 is up to date with all changes known to be in force on or before 11 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(7) For the purposes of the foregoing provisions of this section "owner", in relation to any land, means a person who is for the time being entitled to dispose of the fee simple in the land; and for the purposes of subsections (5) [F172, (6), (6C) and (13)] "the appropriate council" means the council of the county [F173, metropolitan district] or London borough in which the way (in the case of subsection (5)) or the land (in the case of [F174subsections (6), (6C) and (13)]) is situated or, where the way or land is situated in the City, the Common Council.

[F175(7A) Subsection (7B) applies where the matter bringing the right of the public to use a way into question is an application under section 53(5) of the Wildlife and Countryside Act 1981 for an order making modifications so as to show the right on the definitive map and statement.

(7B) The date mentioned in subsection (2) is to be treated as being the date on which the application is made in accordance with paragraph 1 of Schedule 14 to the 1981 Act.]

(8) Nothing in this section affects any incapacity of a corporation or other body or person in possession of land for public or statutory purposes to dedicate a way over that land as a highway if the existence of a highway would be incompatible with those purposes.

(9) Nothing in this section operates to prevent the dedication of a way as a highway being presumed on proof of user for any less period than 20 years, or being presumed or proved in any circumstances in which it might have been presumed or proved immediately before the commencement of this Act.

(10) Nothing in this section or section 32 below affects [F176section 56(1) of the Wildlife and Countryside Act 1981 (which provides that a definitive map and statement] are conclusive evidence as to the existence of the highways shown on the map and as to certain particulars contained in the statement),. . . F177

[F178(10A) Nothing in subsection (1A) affects the obligations of the highway authority, or of any other person, as respects the maintenance of a way.]

(11) For the purposes of this section "land" includes land covered with water.

[F179(12) For the purposes of subsection (1A) " mechanically propelled vehicle " does not include a vehicle falling within section 189(1)(c) of the Road Traffic Act 1988 (electrically assisted pedal cycle).]

[F180(13) The Secretary of State may make regulations for the purposes of the application of subsection (6) to land in England which make provision—

(a) for a statement or declaration required for the purposes of subsection (6) to be combined with a statement required for the purposes of section 15A of the Commons Act 2006;

(b) as to the fees payable in relation to the depositing of a map and statement or the lodging of a declaration (including provision for a fee payable under the regulations to be determined by the appropriate council).

(14) For the purposes of the application of this section to land in England " prescribed " means prescribed in regulations made by the Secretary of State.

(15) Regulations under this section made by the Secretary of State may make—

(a) such transitional or saving provision as the Secretary of State considers appropriate;

(b) different provision for different purposes or areas.]

JA13

Appendix JA - ORR Table 1410-Passenger Entries & Exits & by Station

Table 1410: Passenger entries, exits and interchanges by station (annual), Great Britain, April 2022 to March 2023

This spreadsheet contains data on the number of rail passenger entries, exits and interchanges for every station in Great Britain for journeys made in the last year (April 2022 to March 2023). The cover sheet contains descriptions for each of the fields in the data table. This is published alongside Office of Rail and Road's Estimates of station usage statistical release.

Information on the methodology used to produce these statistics and limitations can be found in the associated Quality and methodology report.

Further geographic information on each station can be found in Table 6329 - Station attributes for all mainline stations

Timeseries data back to April 1997 to March 1998 is available in Table 1415 - Time series of passenger entries and exits and interchanges by station

Estimates of station usage (opens in new window)

Estimates of station usage quality and methodology report (pdf, opens in new window)

Sources

LENNON (Latest Earnings Networked Nationally OverNight) and local ticketing data

Data description and source

Descriptions for each of the fields in Table 1410 can be found below.

Column Heading	Description and source
Station name	Name of station: National Rail Enquiries (NRE)
Entries and exits: Full price tickets	Estimated entries and exits made at the station during April 2022 to March 2023 using a full price ticket
Entries and exits: Reduced price tickets	Estimated entries and exits made at the station during April 2022 to March 2023 using a reduced price ticket
Entries and exits: Season tickets	Estimated entries and exits made at the station during April 2022 to March 2023 using a season ticket
Entries and exits: All tickets	Estimated total number of entries and exits made at the station during April 2022 to March 2023
Entries and exits: Rank	Rank of estimated total number of entries and exits made at the station during April 2022 to March 2023 e.g. station with highest number of entries and exits is ranked at 1
Interchanges	Estimated total number of interchanges made at the station during April 2022 to March 2023
Main origin or destination station	Name of the station which had the largest number of journeys to or from this station during April 2022 to March 2023
Number of journeys to or from main origin or destination station	Number of journeys made to or from main origin or destination station during April 2022 to March 2023

Appendix JA - ORR Table 1410-Passenger Entries & Exits & by Station

Table 1410: Passenger entries, exits and interchanges by station (annual), Great Britain, April 2022 to March 2023

This worksheet contains one table.

Some shorthand is used in this table, [x] = data not available, [z] = data not applicable

Station name	Entries and exits - Full price tickets	Entries and exits - Reduced price tickets	Entries and exits - Season tickets	Entries and exits - All tickets	Entries and exits Rank	Main origin or destination station
Appleford	3,206	3,032	996	7,234	2,366	Oxford
Banbury	440,808	1,145,532	227,066	1,813,406	269	London Marylebone
Culham	33,302	21,012	26,438	80,752	1,733	Oxford
Didcot Parkway	409,126	1,444,234	476,344	2,329,704	204	London Paddington
Heyford	6,242	20,504	4,666	31,412	2,105	Oxford
Oxford	708,372	5,320,080	553,154	6,581,606	58	London Paddington
Oxford Parkway	83,542	472,696	28,692	584,930	683	London Marylebone
Radley	24,566	64,520	13,046	102,132	1,623	Oxford
Reading	2,911,936	8,045,008	1,444,044	12,400,988	29	London Paddington
Swindon (Wilts)	309,476	2,053,654	224,884	2,588,014	177	London Paddington
Tackley	3,550	15,712	1,636	20,898	2,202	Oxford
Westbury	142,710	335,688	40,598	518,996	757	London Paddington

JA14

Transport and Works Act 1992

1992 CHAPTER 42

An Act to provide for the making of orders relating to, or to matters ancillary to, the construction or operation of railways, tramways, trolley vehicle systems, other guided transport systems and inland waterways, and orders relating to, or to matters ancillary to, works interfering with rights of navigation; to make further provision in relation to railways, tramways, trolley vehicle systems and other guided transport systems; to amend certain enactments relating to harbours; and for connected purposes. [16th March 1992]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Modifications etc. (not altering text)

C1 Act applied (with modifications) (4.6.1996) by S.I. 1996/1243, art. 18, **Sch. 5 Pt. II**, para. 7

C2 Act (except as mentioned in S.I. 1999/672, art. 2, **Sch. 1**): transfer of functions (1.7.199) by S.I. 1999/672, art. 2, **Sch. 1**

C3 Act applied (with modifications) (E.W.) (24.3.2005) by The New Forest National Park Authority (Establishment) Order 2005 (S.I. 2005/421), **Sch. 3 para. 6**

C4 Act applied (E.W.) (24.3.2010) by The South Downs National Park Authority (Establishment) Order 2010 (S.I. 2010/497), **Sch. 3 para. 5**

C5 Act applied (with modifications) (E.W.) (1.7.2015) by The National Park Authorities (England) Order 2015 (S.I. 2015/770), **Sch. 3 para. 6**

C6 Act applied (with modifications) (14.6.2016) by The Midland Metro (Birmingham City Centre Extension, etc.) (Land Acquisition and Variation) Order 2016 (S.I. 2016/545), **art. 5(3)** (with art. 39)

Commencement Information

I1 Act partly in force at Royal Assent. See s.70(1); Act partly in force (15.7.1992) by S.I. 1992/1347, art. 2, **Sch.**; Act partly in force (7.12.1992) by S.I. 1992/2043, art. 2, **Sch.**; Act partly in force (22.12.1992) by S.I. 1992/3144, art. 2, **Sch.**; Act partly in force (1.1.1993) by S.I. 1993/2784, art. 2, **Sch.1**; Act

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Transport and Works Act 1992 is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

partly in force (31.1.1993) by S.I. 1992/3144, art. 2, **Sch.**; Act partly in force (5.4.1994) by S.I. 1994/718, art. 2, **Sch.**; Act partly in force (8.7.1996) by S.I. 1996/1609, art. 2, **Sch.** (with art. 3).

PART I

ORDERS AUTHORISING WORKS ETC

Commencement Information

I2 Pt. I (ss. 1-25) wholly in force at 1.1.1993 see s. 70 and S.I. 1992/2784, art. 2, **Sch. 1**

Power to make orders

1 Orders as to railways, tramways etc.

(1) The Secretary of State may make an order relating to, or to matters ancillary to, the construction or operation of a transport system of any of the following kinds, so far as it is in England and Wales—

(a) a railway;

(b) a tramway;

(c) a trolley vehicle system;

(d) a system using a mode of guided transport prescribed by order made under section 2 below.

[F1(1A) Subsection (1) is subject to—

(a) section 33(2) of the Planning Act 2008 (exclusion of powers to authorise development);

(b) section 120(9) of that Act (exclusion of power to include ancillary provision in orders).]

(2) The power to make orders under this section shall be exercisable by statutory instrument.

Textual Amendments

F1 S. 1(1A) inserted (1.3.2010) by Planning Act 2008 (c. 29), s. 241(8), **Sch. 2 para. 52** (with s. 226); S.I. 2010/101, art. 2 (with art. 6)

Modifications etc. (not altering text)

C7 S. 1 restricted (1.12.1998) by 1998 c. 38, **s. 37(3)**; S.I. 1998/2789, **art. 2**

C8 S. 1 modified (1.7.1999) by S.I. 1999/672, art. 5, **Sch. 2**

Commencement Information

I3 Pt. I (ss. 1-25) wholly in force at 1. 1. 1993 see s. 70 and S.I. 1992/2784, art. 2, **Sch. 1**.

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2 Extension of section 1 to other guided transport systems.

(1) The Secretary of State may by order prescribe modes of guided transport for the purposes of section 1(1)(d) above.

(2) The power to make orders under this section shall be exercisable by statutory instrument; but no order shall be made unless a draft of it has been laid before, and approved by a resolution of, each House of Parliament.

Commencement Information

I4 Pt. I (ss. 1-25) wholly in force at 1. 1. 1993 see s. 70 and S.I. 1992/2784, art. 2, **Sch. 1**.

3 Orders as to inland waterways etc.

(1) The Secretary of State may make an order relating to, or to matters ancillary to—

(a) the construction or operation of an inland waterway in England and Wales;

(b) the carrying out of works which—

(i) interfere with rights of navigation in waters within or adjacent to England and Wales, up to the seaward limits of the territorial sea, and

(ii) are of a description prescribed by order made under section 4 below.

[F2(1A) Subsection (1) is subject to—

(a) section 33(2) of the Planning Act 2008 (exclusion of powers to authorise development);

(b) section 120(9) of that Act (exclusion of power to include ancillary provision in orders).]

(2) The Secretary of State shall not make an order under this section if in his opinion the primary object of the order could be achieved by means of an order under the M1Harbours Act 1964.

(3) The power to make orders under this section shall be exercisable by statutory instrument.

Textual Amendments

F2 S. 3(1A) inserted (1.3.2010) by Planning Act 2008 (c. 29), s. 241(8), **Sch. 2 para. 53** (with s. 226); S.I. 2010/101, art. 2 (with art. 6)

Modifications etc. (not altering text)

C9 S. 3 restricted (1.12.1998) by 1998 c. 38, **s. 37(3)**; S.I. 1998/2789, **art. 2**

C10 S. 3 modified (1.7.1999) by S.I. 1999/672, art. 5, **Sch. 2**

Commencement Information

I5 Pt. I (ss. 1-25) wholly in force at 1. 1. 1993 see s. 70 and S.I. 1992/2784, art. 2, **Sch. 1**.

Marginal Citations

M1 1964 c. 40.

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4 Description of works for purposes of section 3.

(1) The Secretary of State may by order prescribe descriptions of works for the purposes of section 3(1)(b) above.

(2) The power to make orders under this section shall be exercisable by statutory instrument; but no order shall be made unless a draft of it has been laid before, and approved by a resolution of, each House of Parliament.

Commencement Information

I6 Pt. I (ss. 1-25) wholly in force at 1. 1. 1993 see s. 70 and S.I. 1992/2784, art. 2, **Sch. 1**.

5 Subject-matter of orders under sections 1 and 3.

(1) Without prejudice to the generality of sections 1 and 3 above, the matters as to which provision may be made by an order under either of those sections include those set out in Schedule 1 to this Act.

(2) An order under section 1 or 3 above may make provision in relation to more than one scheme, system or mode of transport.

(3) An order under section 1 or 3 above may—

(a) apply, modify or exclude any statutory provision which relates to any matter as to which an order could be made under section 1 or, as the case may be, 3, and

(b) make such amendments, repeals and revocations of statutory provisions of local application as appear to the Secretary of State to be necessary or expedient in consequence of any provision of the order or otherwise in connection with the order;

and for the purposes of this subsection "statutory provision" means provision of an Act of Parliament or of an instrument made under an Act of Parliament.

(4) The provisions that may be made by an order under section 1 or 3 above include—

(a) any provision that appears to the Secretary of State to be necessary or expedient for giving full effect to—

(i) any other provision of the order,

(ii) any provision of an earlier order under the section concerned, or

(iii) any provision which is contained in an Act of Parliament passed before the time when this Part of this Act is first wholly in force, or in an instrument made under an Act of Parliament before that time, and which is of a kind which could be included in an order under section 1 or 3 above;

(b) such supplemental and transitional provisions as appear to him to be necessary or expedient in connection with the order.

(5) A provision of an order under section 1 or 3 above relating to offences shall not authorise the imposition on persons convicted of an offence of a term of imprisonment or of a fine exceeding level 3 on the standard scale.

(6) An order under section 1 or 3 above shall not extinguish any public right of way over land unless the Secretary of State is satisfied—

(a) that an alternative right of way has been or will be provided, or

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(b) that the provision of an alternative right of way is not required.

(7) Where an order under sections 104(3), 105(3) or 112 of the [M2]Transport Act 1968 (classification and maintenance of [F3]Canal & River Trust's] waterways, and maintenance and use of other waterways) is required so as to give effect to any proposal, no provision shall be included in an order under section 1 or 3 above which would—

(a) remove that requirement, or

(b) alter the requirements of sections 104, 105 or 112 of, or Schedule 13 to, that Act relating to orders under those sections.

Textual Amendments

F3 Words in s. 5(7) substituted (2.7.2012) by The British Waterways Board (Transfer of Functions) Order 2012 (S.I. 2012/1659), art. 1(2), **Sch. 3 para. 12(2)** (with arts. 4-6)

Commencement Information

I7 Pt. I (ss. 1-25) wholly in force at 1. 1. 1993 see s. 70 and S.I. 1992/2784, art. 2, **Sch. 1**.

Marginal Citations

M2 1968 c. 73.

Procedure for making orders

6 Applications for orders under sections 1 and 3.

(1) Subject to section 7 below, the Secretary of State shall not make an order under section 1 or 3 above except on an application made to him in accordance with rules made under this section.

(2) The Secretary of State may make rules as to—

(a) the form of an application under this section;

(b) the documents and information that must be submitted with it;

(c) the giving and publication of notices of an application;

(d) any other steps that must be taken before an application is made or in connection with the making of an application.

[F4(2A) The power to make rules by virtue of subsection (2) above includes power to make provision for or in connection with requiring the Secretary of State in such cases or circumstances as may be prescribed in the rules to give to a person who proposes to make an application under this section an opinion on the information, if any, to be supplied in connection with that application.]

[F5(2B) The power to make rules by virtue of subsection (2) above includes a power to make rules as to the publicity to be given to any [F6environmental information][F6EIA information (see section 13A)] provided in relation to an application made under this section.]

(3) Any provision made by rules as to the consultation that must be carried out before an application is made [F7, or as to the provision of information by a relevant authority to a person for the purposes of an application which the person proposes to make,]

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may include provision requiring compliance with general or special directions given by the Secretary of State.

(4) Rules under this section may make different provision for different cases, and may include provision authorising the Secretary of State—

(a) to dispense with compliance with rules that would otherwise apply, or

(b) to require compliance with rules that would not otherwise apply,

in any case where he considers it appropriate to do so.

(5) Rules may provide for fees of such amounts as may be determined by or in accordance with the rules to be payable to the Secretary of State on the making of applications under this section.

(6) The power to make rules under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

[F8(7) [F9In subsection (3) above "relevant authority" means—

(a) Natural England;

(b) the Natural Resources Body for Wales;

(c) a local planning authority, within the meaning of Part 1 of the Town and Country Planning Act 1990;

(d) any other person or authority having specific environmental responsibilities, or local or regional competences, which the Secretary of State considers is likely to have an interest in an application a person proposes to make.]

Textual Amendments

F4 S. 6(2A) inserted (7.10.1998) by S.I. 1998/2226, **art. 2(a)**

F5 S. 6(2B) inserted (20.4.2006) by The Transport and Works (Assessment of Environmental Effects) Regulations 2006 (S.I. 2006/958), regs. 1(1), **2(1)**

F6 Words in s. 6(2B) substituted (E.W.) (5.12.2017) by The Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017 (S.I. 2017/1070), reg. 1(1), **Sch. 3 para. 2(a)** (with Sch. 6 paras. 7(1), 8(1), 9, 12)

F7 Words in s. 6(3) inserted (7.10.1998) by S.I. 1998/2226, **art. 2(b)**.

F8 S. 6(7) inserted (7.10.1998) by S.I. 1998/2226, **art. 2(c)**

F9 S. 6(7) substituted (E.W.) (5.12.2017) by The Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017 (S.I. 2017/1070), reg. 1(1), **Sch. 3 para. 2(b)** (with Sch. 6 paras. 7(1), 8(1), 9, 12)

F10 O.J. No. L175, 5.7.85, p.40.

F11 O.J. No. L73, 14.3.97, p.5.

F12 Words in s. 6(7)(a) substituted (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), s. 107, **Sch. 11 para. 136(a)**; S.I. 2006/2541, art. 2 (with Sch.)

F13 Words in s. 6(7)(b) substituted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 340** (with Sch. 7)

F14 1990 c. 8; Part I was amended by the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28), **section 187(1)** and Schedule 21, paragraph 29, the Local Government (Wales) Act 1994 (c. 19), **sections 18** and 19, and the Environment Act 1995 (c. 25), **sections 67** and 78 and Schedule 10, paragraph 32(2) and (3).

F15 S. 6(7)(e) and word repealed (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), s. 107, Sch. 11 para. 136(b), **Sch. 12**; S.I. 2006/2541, art. 2 (with Sch.)

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Modifications etc. (not altering text)

C11 S. 6 modified (1.7.1999) by S.I. 1999/672, art. 5, **Sch. 2**

C12 S. 6 modified (1.4.1999) by The Development Commission (Transfer of Functions and Miscellaneous Provisions) Order 1999 (S.I. 1999/416), **arts. 2**, 3

Commencement Information

I8 Pt. I (ss. 1-25) wholly in force at 1. 1. 1993 see s. 70 and S.I. 1992/2784, art. 2, **Sch. 1**.

[F16 6A Cases where F17... Member States are affected

(1) The power conferred on the Secretary of State by subsection (2) of section 6 above to make rules includes power to make rules for a case where an application has been made under that section and [F18 a] Member State is affected by the project in question, as to–

(a) the provision by the Secretary of State to the Member State, or to authorities in, or the public of, the Member State, of documents and information relating to the application;

(b) consultation by the Secretary of State with the Member State in connection with the application; or

(c) notification by the Secretary of State to the Member State of the decision, or of matters relating to the decision, on the application.

(2) For the purposes of subsection (1) above, the cases where [F19 a] Member State is affected by the project in question are those cases where–

(a) it appears to the Secretary of State that the project would be likely to have significant effects on the environment in [F19 a] Member State; or

(b) [F20 a] Member State is likely to be significantly affected by the project and requests information relating to the application.]

[F21 (3) "Member State", in relation to any time, includes a State which is at that time a party to the EEA agreement.]

Textual Amendments

F16 S. 6A inserted (7.10.1998) by S.I. 1998/2226, **art. 3**

F17 Word in s. 6A heading omitted (31.12.2020) by virtue of The Merchant Shipping and Other Transport (Environmental Protection) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/311), regs. 1(3), **4(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F18 Word in s. 6A(1) substituted (31.12.2020) by The Merchant Shipping and Other Transport (Environmental Protection) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/311), regs. 1(3), **4(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

F19 Word in s. 6A(2) substituted (31.12.2020) by The Merchant Shipping and Other Transport (Environmental Protection) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/311), regs. 1(3), **4(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

F20 Word in s. 6A(2)(b) substituted (31.12.2020) by The Merchant Shipping and Other Transport (Environmental Protection) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/311), regs. 1(3), **4(2)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

F21 S. 6A(3) substituted (12.3.2019) by The Merchant Shipping and Other Transport (Environmental Protection) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/311), regs. 1(2), **2(2)**

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7 Orders under sections 1 and 3 made otherwise than on application.

(1) The Secretary of State may without any application being made to him make—

(a) an order under section 1 above which relates to, or to matters ancillary to, the construction for naval, military, air force or other defence purposes of a railway, tramway or other system within section 1(1), or the operation of a railway, tramway or other system constructed for those purposes;

(b) an order under section 1 or 3 above making any provision which appears to the Secretary of State to be necessary or expedient, in the interests of safety,—

(i) for the purpose of suspending or discontinuing any operations, or

(ii) in consequence of the abandonment or neglect of any works;

(c) an order under section 1 or 3 above repealing or revoking provisions which appear to the Secretary of State to be spent.

(2) An order made by virtue of subsection (1)(b) above may include provision for the recovery by the Secretary of State of the costs of making the order and of carrying its provisions into effect.

(3) Where the Secretary of State proposes to make an order by virtue of this section, he shall—

(a) prepare a draft of the order,

[F22(b) publish a notice of his intention to make the order, which notice shall include such particulars as may be prescribed, in the London Gazette and in a local newspaper circulating in the area (or each of the areas) in which the proposals contained in the draft order are intended to have effect, and]

(c) give such further notices of the proposal as may be prescribed.

(4) The power to make provision by rules under section 6 above in relation to applications shall include power to make such corresponding provision as the Secretary of State considers appropriate in relation to proposals to make orders by virtue of this section; and in subsection (3) above "prescribed" means prescribed by rules under section 6.

Textual Amendments

F22 S. 7(3)(b) substituted (20.4.2006) by The Transport and Works (Assessment of Environmental Effects) Regulations 2006 (S.I. 2006/958), regs. 1(1), **2(2)**

Modifications etc. (not altering text)

C13 S. 7(4) modified (1.7.1999) by S.I. 1999/672, art. 5, **Sch. 2**

Commencement Information

I9 Pt. I (ss. 1-25) wholly in force at 1. 1. 1993 see s. 70 and S.I. 1992/2784, art. 2, **Sch. 1**.

8 Model clauses.

(1) The Secretary of State may by order prescribe model provisions for incorporation in any draft orders which, in accordance with rules made under section 6 above, may be required to be submitted with applications under that section.

(2) Different provisions may be prescribed under this section for different cases.

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(3) The prescribing under this section of a model provision shall not of itself make it mandatory for a provision in the terms of the model to be incorporated in a draft order or in any order eventually made by the Secretary of State under section 1 or 3 above.

(4) The power to make orders under this section shall be exercisable by statutory instrument.

Modifications etc. (not altering text)
C14 S. 8 modified (1.7.1999) by S.I. 1999/672, art. 5, **Sch. 2**

Commencement Information
I10 Pt. I (ss. 1-25) wholly in force at 1. 1. 1993 see s. 70 and S.I. 1992/2784, art. 2, **Sch. 1**.

9 Schemes of national significance.

(1) This section applies where an application made under section 6 above relates (wholly or in part) to proposals which in the opinion of the Secretary of State are of national significance.

(2) Before the end of the period of 56 days beginning with the day on which he receives the application, the Secretary of State shall publish in the London Gazette a notice identifying the application and the proposals which in his opinion are of national significance.

(3) On, or as soon as practicable after, the day on which the notice required by subsection (2) above is published, the Secretary of State shall—

[F23(a) publish a like notice in a local newspaper circulating in the area (or each of the areas) in which the proposals contained in the application are intended to have effect, and]

(b) send a copy of the notice to the applicant and to every person within section 11(4) below who objected to the application in accordance with rules made under section 10 below.

(4) The Secretary of State shall not make an order on the application unless each House of Parliament, on a motion moved by a Minister of the Crown which identifies the proposals referred to above, passes a resolution approving them at some time later than 56 days after the day of publication of the notice required by subsection (2) above.

(5) An order made on the application shall not include any provision that is inconsistent with a proposal approved by a resolution in accordance with this section unless that provision gives effect to modifications of the proposal which have themselves been approved by a resolution of each House of Parliament passed on a motion moved by a Minister of the Crown.

(6) This section shall apply in relation to an order which the Secretary of State makes or proposes to make by virtue of section 7 above as it applies in relation to an order for which an application is made to him, except that in such a case—

(a) subsections (2) and (3) above shall not apply, and

(b) subsection (4) above shall apply as if the reference to the notice required by subsection (2) above were a reference to the notice required by section 7(3) above to be published in the London Gazette;

and any proposals which in the opinion of the Secretary of State are of national significance shall be identified as such in any notice required by or under section 7(3) above.

Textual Amendments

F23 S. 9(3)(a) substituted (20.4.2006) by The Transport and Works (Assessment of Environmental Effects) Regulations 2006 (S.I. 2006/958), regs. 1(1), **2(3)**

Modifications etc. (not altering text)

C15 S. 9 modified (18.12.1996) by 1996 c. 61, **s. 42**

C16 S. 9 functions made exercisable concurrently or jointly with the Welsh Ministers by 2006 c. 32, Sch. 3A para. 1 (as inserted (1.4.2018) by Wales Act 2017 (c. 4), s. 71(4), **Sch. 4 para. 1** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(p))

Commencement Information

I11 Pt. I (ss. 1-25) wholly in force at 1. 1. 1993 see s. 70 and S.I. 1992/2784, art. 2, **Sch. 1**.

10 Objections.

(1) The Secretary of State may make rules as to—

(a) the making of objections to an application under section 6 above or to a proposal to make an order by virtue of section 7 above;

(b) the information to be comprised within or submitted with an objection;

(c) the submission by the person making the application of written representations or information in relation to objections;

(d) the submission of further written representations or information;

(e) such other matters relating to the consideration of objections as appear to the Secretary of State to be appropriate.

(2) Subject to the following provisions of this section, the Secretary of State shall not make a determination under section 13(1) below to make an order without first taking into consideration the grounds of any objection in respect of which rules under this section have been complied with.

(3) If an objection is withdrawn or appears to the Secretary of State—

(a) to be frivolous or trivial, or

(b) to relate to matters which fall to be determined by a tribunal concerned with the assessment of compensation,

he may make a determination under section 13(1) below without further consideration of the objection.

(4) Subsection (2) above shall not apply where the Secretary of State causes an inquiry to be held under section 11(1) below or causes an objection to be dealt with in accordance with section 11(2) below, but the Secretary of State shall not make a determination under section 13(1) below without first taking into consideration the report of the person holding the inquiry, or as the case may be of the person appointed under section 11(2).

(5) Rules under this section may make different provision for different cases, and may include provision authorising the Secretary of State—

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(a) to dispense with compliance with rules that would otherwise apply, or

(b) to require compliance with rules that would not otherwise apply,

in any case where he considers it appropriate to do so.

(6) The power to make rules under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Modifications etc. (not altering text)

C17 S. 10 modified (1.7.1999) by S.I. 1999/672, art. 5, **Sch. 2**

Commencement Information

I12 Pt. I (ss. 1-25) wholly in force at 1. 1. 1993 see s. 70 and S.I. 1992/2784, art. 2, **Sch. 1**.

11 Inquiries and hearings.

(1) The Secretary of State may cause a public local inquiry to be held for the purposes of an application under section 6 above or a proposal by the Secretary of State to make an order by virtue of section 7 above.

(2) The Secretary of State may give to a person who makes an objection in accordance with rules under section 10 above an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

(3) Where an objection is made by a person within subsection (4) below who informs the Secretary of State in writing that he wishes the objection to be referred to an inquiry or dealt with in accordance with subsection (2) above, then, unless section 10(3) above applies, the Secretary of State shall either cause an inquiry to be held or, if he so determines, cause the objection to be dealt with in accordance with subsection (2).

(4) The persons within this subsection are—

(a) any local authority for an area in which any works authorised by the proposed order are to be carried out, and

(b) where the proposals include the compulsory acquisition of land, any person who, if Part II of the [M3]Acquisition of Land Act 1981 (notice to owners, lessees and occupiers) applied to the acquisition, would be entitled to a notice under section 12 of that Act;

and for the purposes of paragraph (a) above "local authority" means a county council, a district council, a London borough council, the Common Council of the City of London, the Council of the Isles of Scilly [[F24], a county borough council,] and a Passenger Transport Executive.

(5) Subsections (2) to (5) of section 250 of the [M4]Local Government Act 1972 (attendance and evidence at, and costs of, inquiries) shall apply to an inquiry held under subsection (1) above; but—

(a) in its application by virtue of this subsection, section 250(4) shall have effect with the omission of the words "and any amount" onwards, and

(b) the power to make an order as to costs under section 250(5) as applied by this subsection shall be exercisable not only where the inquiry takes place but also where arrangements are made for it but it does not take place.

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(6) Subsections (4) and (5) of section 250 of the Local Government Act 1972 (costs) shall apply in relation to proceedings under subsection (2) above as they apply in relation to an inquiry under subsection (1) above.

Textual Amendments

F24 Words in s. 11(4) inserted (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. I**, para. 34(1) (with ss. 54(5), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

Modifications etc. (not altering text)

C18 S. 11(4) modified (1.6.1993) by S.I. 1993/1119, reg. 4(2), **Sch. 2** (as amended (2.7.2012) by The British Waterways Board (Transfer of Functions) Order 2012 (S.I. 2012/1659), art. 1(2), **Sch. 3 para. 32(4)** (with arts. 4-6))

Commencement Information

I13 Pt. I (ss. 1-25) wholly in force at 1. 1. 1993 see s. 70 and S.I. 1992/2784, art. 2, **Sch. 1**.

Marginal Citations

M3 1981 c. 67.
M4 1972 c. 70.

12 Special parliamentary procedure.

(1) An order under section 1 or 3 above authorising a compulsory purchase shall be subject to special parliamentary procedure to the same extent as it would be, by virtue of section 18 or 19 of the Acquisition of Land Act 1981 (or by virtue of paragraph 5 or 6 of Schedule 3 to that Act) (National Trust land, commons etc), if the purchase were authorised by an order under section 2(1) of that Act.

(2) In section 3 of the [M5]Statutory Orders (Special Procedure) Act 1945 (petitions against orders subject to special parliamentary procedure) after subsection (4) there shall be inserted—

"(4A) The Chairmen shall not certify that a petition is proper to be received if the order to which it relates is made under section 1 or 3 of the Transport and Works Act 1992 and either—

(a) the petition is a petition of general objection and the order relates to proposals which have been approved by each House of Parliament in accordance with section 9 of that Act, or

(b) the petition is a petition for amendment and any of the amendments asked for would in the opinion of the Chairmen be inconsistent with such proposals."

(3) In relation to an order under section 1 or 3 above which is subject to special parliamentary procedure—

(a) section 13(5) below shall not apply,

(b) section 22 below shall not apply if the order is confirmed by Act of Parliament under section [[F25]4 or] 6 of the Statutory Orders (Special Procedure) Act 1945, and

(c) in any other case, section 22(1) below shall have effect as if for the reference to the day on which the notice required by section 14(1)(b) is published

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there were substituted a reference to the day on which the order comes into operation under the [M6]Statutory Orders (Special Procedure) Act 1945.

Textual Amendments

F25 Words in s. 12(3)(b) inserted (25.6.2013) by Growth and Infrastructure Act 2013 (c. 27), **ss. 25(9)**, 35(1); S.I. 2013/1488, art. 3(e) (with art. 8(3))

Commencement Information

I14 Pt. I (ss. 1-25) wholly in force at 1. 1. 1993 see s. 70 and S.I. 1992/2784, art. 2, **Sch. 1**.

Marginal Citations

M5 1945 c. 18 (9 & 10 Geo. 6).
M6 1945 c. 18 (9 & 10 Geo. 6).

13 Making or refusal of orders under section 1 or 3 [F26: general].

(1) Where an application has been made to the Secretary of State under section 6 above, or he proposes to make an order by virtue of section 7 above, and (in either case) the requirements of the preceding provisions of this Act in relation to any objections have been satisfied, he shall determine—

(a) to make an order under section 1 or 3 above which gives effect to the proposals concerned without modifications, or

(b) to make an order which gives effect to those proposals with modifications, or

(c) not to make an order.

(2) Where an application has been made to the Secretary of State under section 6 above and he considers that any of the objects of the order applied for could be achieved by other means, he may on that ground determine not to make the order (but this subsection is without prejudice to subsection (3) below).

(3) The power of the Secretary of State to make a determination under subsection (1) above includes power to make a determination in respect of some only of the proposals concerned, while making a separate determination in respect of, or deferring consideration of, others (and accordingly the power to make an order under section 1 or 3 above includes power to make two or more orders on the same application).

(4) Where the Secretary of State proposes to make an order which gives effect to the proposals concerned with modifications which will in his opinion make a substantial change in the proposals—

(a) he shall notify any person who appears to him to be likely to be affected by the modifications,

(b) he shall give that person an opportunity of making representations to him about the modifications within such period as he may specify in the notice, and

(c) he shall before making the order consider any representations duly made to him.

(5) An order under section 1 or 3 above shall come into operation on the date on which the notice required by subsection (1)(b) of section 14 below is first published, or on such later date, if any, as may be specified in the order.

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[F27(6) This section is subject to sections 13B to 13D (which make provision about the consideration of applications or proposals for EIA orders and the making of such orders).]

Textual Amendments

F26 Word in s. 13 heading heading inserted (E.W.) (5.12.2017) by The Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017 (S.I. 2017/1070), reg. 1(1), **Sch. 3 para. 3(a)** (with Sch. 6 paras. 9, 12)

F27 S. 13(6) inserted (E.W.) (5.12.2017) by The Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017 (S.I. 2017/1070), reg. 1(1), **Sch. 3 para. 3(b)** (with Sch. 6 paras. 9, 12)

Modifications etc. (not altering text)

C19 S. 13(2) excluded (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), **ss. 53(4)**, 70(1)

C20 S. 13(2) excluded (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), **ss. 49(4)**, 64(1)

Commencement Information

I15 Pt. I (ss. 1-25) wholly in force at 1. 1. 1993 see s. 70 and S.I. 1992/2784, art. 2, **Sch. 1**.

[F28 13A. Environmental impact assessment: definitions

(1) This section defines certain terms used in this Part.

(2) "The EIA Directive" means Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment.

(3) "EIA information", in relation to an application under section 6, or proposal under section 7, for an EIA order, means—

(a) the environmental statement,

(b) any other information which the Secretary of State reasonably requires for the purpose of reaching a reasoned conclusion (see section 13B), and

(c) any representations made by any person about the environmental effects of the proposed works or other projects.

(4) "EIA order" means an order authorising works or other projects—

(a) which are—

(i) in a class listed in Annex I to the EIA Directive, or

(ii) in a class listed in Annex II to the EIA Directive and, by virtue of their nature, size or location, likely to have significant effects on the environment, and

(b) which are not exempt works.

(5) For the purposes of subsection (4), works or other projects are exempt if the Secretary of State directs or decides (in accordance with rules made under section 6) that an environmental impact assessment is not required in respect of those works or projects.

(6) "Environmental statement" means a statement which, by rules under section 6, is required—

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(a) to accompany an application for, or be prepared in connection with the publication of a proposal to make, an EIA order, and

(b) amongst other matters, to set out the likely significant effects of the implementation of the EIA order applied for or proposed on the environment.

(7) "Reasoned conclusion" means a reasoned conclusion under section 13B(1)(b).

Textual Amendments

F28 Ss. 13A-13D inserted (E.W.) (5.12.2017) by The Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017 (S.I. 2017/1070), reg. 1(1), **Sch. 3 para. 4** (with Sch. 6 paras. 9, 12)

Modifications etc. (not altering text)

C21 Ss. 13A-13D power to amend or repeal conferred (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), ss. 164(3), 255(5), **Sch. 14 Pt. 1** (with s. 247)

13B. Application or proposal for an EIA order: reasoned conclusion

(1) Before making a determination under section 13(1) in respect of an application or proposal for an EIA order, the Secretary of State—

(a) must consider the EIA information, and

(b) following that consideration, must reach a reasoned conclusion about the likely significant effects of the proposed works or other projects on the environment.

(2) The Secretary of State must obtain such expert advice as appears to the Secretary of State to be necessary for the purposes of considering the environmental statement.

(3) When making a determination under section 13(1) in respect of an application or proposal for an EIA order, the Secretary of State must take into account the reasoned conclusion.

(4) But the Secretary of State may determine to make an EIA order (whether with or without modifications) only if satisfied that the reasoned conclusion is up to date.

Textual Amendments

F28 Ss. 13A-13D inserted (E.W.) (5.12.2017) by The Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017 (S.I. 2017/1070), reg. 1(1), **Sch. 3 para. 4** (with Sch. 6 paras. 9, 12)

Modifications etc. (not altering text)

C21 Ss. 13A-13D power to amend or repeal conferred (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), ss. 164(3), 255(5), **Sch. 14 Pt. 1** (with s. 247)

13C. EIA orders: monitoring measures and remedial action

(1) If the Secretary of State proposes to make an EIA order (whether with or without modifications), the Secretary of State must consider whether monitoring of the

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significant adverse effects of the works or other projects on the environment to be authorised by the order is appropriate and, if so, must consider—

(a) whether it is appropriate to impose a monitoring measure, and

(b) whether it is appropriate to impose a requirement to take remedial action.

(2) In this section, "monitoring measure", in relation to proposed works or other projects, means a requirement to monitor any significant adverse effects of the works or projects on the environment.

(3) For the purposes of subsection (1)(a), the Secretary of State must take into account any monitoring arrangements which are required to be carried out under the law of any part of the United Kingdom (other than a provision **[**F29which implemented**]** the EIA Directive).

(4) The Secretary of State may impose a monitoring measure or a requirement to take remedial action in the EIA order or, if the Secretary of State gives a direction under section 90(2A) of the Town and Country Planning Act 1990 on the making of the EIA order, by way of condition specified in that direction.

(5) But the Secretary of State may impose a monitoring measure only if satisfied that the type of parameters which will be required to be monitored and the duration of such monitoring are proportionate having regard to—

(a) the nature, location and size of the proposed works or other projects, and

(b) the significance of the effects of the works or other projects on the environment.

Textual Amendments

F28 Ss. 13A-13D inserted (E.W.) (5.12.2017) by The Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017 (S.I. 2017/1070), reg. 1(1), **Sch. 3 para. 4** (with Sch. 6 paras. 9, 12)

F29 Words in s. 13C(3) substituted (31.12.2020) by The Merchant Shipping and Other Transport (Environmental Protection) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/311), regs. 1(3), **4(3)**; 2020 c. 1, Sch. 5 para. 1(1)

Modifications etc. (not altering text)

C21 Ss. 13A-13D power to amend or repeal conferred (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), ss. 164(3), 255(5), **Sch. 14 Pt. 1** (with s. 247)

13D. Application or proposal for an EIA order: time limit

The Secretary of State must make a determination under section 13(1) in relation to an application or proposal for an EIA order within a reasonable period of time (having regard to the nature and complexity of the works or other project to which it relates) beginning on the day on which the Secretary of State has all of the information necessary to reach the reasoned conclusion.**]**

Textual Amendments

F28 Ss. 13A-13D inserted (E.W.) (5.12.2017) by The Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017 (S.I. 2017/1070), reg. 1(1), **Sch. 3 para. 4** (with Sch. 6 paras. 9, 12)

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Modifications etc. (not altering text)

C21 Ss. 13A-13D power to amend or repeal conferred (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), ss. 164(3), 255(5), **Sch. 14 Pt. 1** (with s. 247)

14 Publicity for making or refusal of orders.

[F30(1) As soon as practicable after making a determination under section 13(1) above, the Secretary of State must—

(a) give notice of the determination to the persons specified in subsection (1A),

(b) publish a notice of the determination in the London Gazette, and

(c) if it relates to an EIA order, make a notice of the determination available on a website maintained by or on behalf of the Secretary of State.

(1A) The specified persons are—

(a) the person (if any) who applied for the order;

(b) any person who made an objection which was referred to an inquiry or hearing in accordance with section 11(3);

(c) if the determination is that an EIA order is to be made, to any authority the Secretary of State considers is likely to be concerned by the works or other projects authorised by the order because of their specific environmental responsibilities or local and regional competencies.]

[F31(2) A notice under subsection (1)(a) above shall give—

(a) the reasons for the determination and the considerations upon which it is based;

(b) information about the public participation process; and

(c) information regarding the right to challenge the validity of the determination and the procedures for doing so.

(2A) A notice under subsection (1)(b) above shall state—

(a) the terms of the determination;

(b) that the notice under subsection (1)(a) above gives the information referred to in subsection (2)(a) to (c) above; and

(c) where copies of the notice under subsection (1)(a) above may be obtained.]

(3) A notice under subsection (1) above of a determination to make an order shall give such particulars of the terms of the order as the Secretary of State considers appropriate, and in particular shall (except where the order is made by virtue of section 7 above) state the name and address of the person who applied for the order.

[F32(3A) Where a determination under section 13(1) above relates to an application or proposal [F33to which this subsection applies][F33for an EIA order], the notices under subsection (1) above shall state that, before the Secretary of State made the determination—

(a) he [F34considered the environmental statement][F34complied with sections 13B to 13D], and

(b) he complied with any obligations under section 10 above in respect of any objection made in accordance with rules under that section which relates to the environmental statement, and

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(c) he considered, or referred to an inquiry under section 11(1) above or a person appointed under section 11(2), any representation duly made to him (other than an objection) which relates to the environmental statement.

[
F35(3AA)

[If an EIA order is to be made—
F36(3AA)
(a) the notice under subsection (1)(a) must also include the address of the website on which it is to be made available under subsection (1)(c), and
(b) the notices under subsection (1)(a) and (c) must include the information specified in subsection (3AB).

(3AB) The specified information is—
(a) in so far as they relate to the likely significant effects of the proposed works or other projects on the environment, a summary of —
(i) the results of any consultation undertaken in accordance with rules made under section 6 (including in particular any comments made by, or the authorities in or public of, [F37a] Member State), and
(ii) any objections made in accordance with rules made under section 10,
(b) a summary of how those results and objections have been taken into account in making the determination,
(c) the reasoned conclusion,
(d) a description of any features of the works or other projects, or measures, to avoid, prevent or reduce and, if possible, offset any likely significant adverse effects of the works or other projects on the environment, and
(e) a statement of any monitoring measures, requirements to take remedial action or other conditions relating to the likely significant effects of the proposed works or other projects on the environment that are imposed.]

[F38(3B) Subsection (3A) above applies to any application under section 6 above for an order, and any proposal to make an order by virtue of section 7 above, where the order would authorise—
(a) works or other projects in a class listed in Annex I to Council Directive 85/337/EEC[F39] on the assessment of the effects of certain public and private projects on the environment, [F40as amended by Council Directive 97/11/EC,] or
(b) works or other projects in a class listed in Annex II to that Directive [F40as so amended] which are, by virtue of their nature, size or location, likely to have significant effects on the environment.]

(3C) The Secretary of State shall send a copy of any notice to which subsection (3A) above applies to any person who made—
(a) an objection to which paragraph (b) of that subsection refers, which was not referred to an inquiry or hearing in accordance with section 11(3) above, or
(b) a representation to which subsection (3A) (c) above refers.

(3D) [F41For the purposes of subsection (3A) above, "environmental statement" means a statement—
(a) which is required by virtue of rules made under section 6 above—
(i) to accompany an application under that section for an order; or

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(ii) to be prepared in connection with the publication of a notice of a proposal to make an order by virtue of section 7 above, and

(b) which sets out particulars of the likely impact on the environment of the implementation of the order applied for or proposed.**]]**

[F42(4) Where the Secretary of State makes a determination under section 13(1) above, the appropriate person shall publish a notice in a local newspaper circulating in the area, or in each of the areas, in which the relevant proposals are or were intended to have effect; and such notice shall state the information referred to in subsection (2A) (a) to (c) above.

(4A) In subsection (4)—

(a) in relation to an application for an order under section 1 or 3 above—

(i) "appropriate person" means the person who applied for the order;

(ii) "relevant proposals" means the proposals contained in the application;

(b) in relation to a proposal to make an order by virtue of section 7 above—

(i) "appropriate person" means the Secretary of State;

(ii) "relevant proposals" means the proposals contained in the draft order prepared by the Secretary of State pursuant to section 7.**]**

(5) As soon as practicable after the making of an order under section 1 or 3 above, the person who applied for the order (or, where the order is made by virtue of section 7 above, the Secretary of State) shall—

(a) deposit in the office of the Clerk of the Parliaments a copy of the order, and of any plan or book of reference prepared in connection with the application (or proposed order), and

(b) deposit with each of the councils mentioned in subsection (7) below in whose area works authorised by the order are to be carried out a copy of each of those documents, or of so much of them as is relevant to those works.

(6) Where a plan or book of reference is revised before the order is made, the reference in subsection (5)(a) above is to the latest version.

(7) The councils referred to in subsection (5) above are district councils, London borough councils and the Common Council of the City of London **[**F43but are, in relation to Wales, county councils and county borough councils**]**.

(8) A council with which documents are deposited in accordance with subsection (5) above shall make them available for inspection free of charge at all reasonable hours.

Textual Amendments

F30 S. 14(1)(1A) substituted for s. 14(1) (E.W.) (5.12.2017) by The Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017 (S.I. 2017/1070), reg. 1(1), **Sch. 3 para. 5(2)** (with Sch. 6 paras. 9, 12)

F31 S. 14(2)(2A) substituted for s. 14(2) (20.4.2006) by The Transport and Works (Assessment of Environmental Effects) Regulations 2006 (S.I. 2006/958), regs. 1(1), **2(4)**

F32 S. 14(3A-3D) inserted (1.8.1995) by S.I. 1995/1541, **art. 2**

F33 Words in s. 14(3A) substituted (E.W.) (5.12.2017) by The Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017 (S.I. 2017/1070), reg. 1(1), **Sch. 3 para. 5(3)(a)** (with Sch. 6 paras. 9, 12)

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F34 Words in s. 14(3A)(a) substituted (E.W.) (5.12.2017) by The Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017 (S.I. 2017/1070), reg. 1(1), **Sch. 3 para. 5(3)(b)** (with Sch. 6 paras. 9, 12)

F35 S. 14(3AA) inserted (7.10.1998) by S.I. 1998/2226, **art. 4(a)**

F36 S. 14(3AA)(3AB) substituted for s. 14(3AA) (E.W.) (5.12.2017) by The Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017 (S.I. 2017/1070), reg. 1(1), **Sch. 3 para. 5(4)** (with Sch. 6 paras. 9, 12)

F37 Word in s. 14(3AB)(a)(i) substituted (31.12.2020) by The Merchant Shipping and Other Transport (Environmental Protection) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/311), regs. 1(3), **4(4)**; 2020 c. 1, Sch. 5 para. 1(1)

F38 S. 14(3B) omitted (E.W.) (5.12.2017) by virtue of The Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017 (S.I. 2017/1070), reg. 1(1), **Sch. 3 para. 5(5)** (with Sch. 6 paras. 9, 12)

F39 OJ No. L175, 5.7.85 p.40.

F40 Words in s. 14(3B)(a)(b) inserted (7.10.1998) by S.I. 1998/2226, **art. 4(b)**

F41 S. 14(3D) omitted (E.W.) (5.12.2017) by virtue of The Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017 (S.I. 2017/1070), reg. 1(1), **Sch. 3 para. 5(6)** (with Sch. 6 paras. 9, 12)

F42 S. 14(4)(4A) substituted for s. 14(4) (20.4.2006) by The Transport and Works (Assessment of Environmental Effects) Regulations 2006 (S.I. 2006/958), regs. 1(1), **2(5)**

F43 Words in s. 14(7) inserted (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. I**, para. 34(2); S.I. 1996/396, art. 3, **Sch. 1**

Commencement Information

I16 Pt. I (ss. 1-25) wholly in force at 1. 1. 1993 see s. 70 and S.I. 1992/2784, art. 2, **Sch. 1**.

[F44 14A Compulsory acquisition: notice requirements

(1) This section applies where the appropriate national authority has determined under section 13(1) to make an order under section 1 or 3—

(a) authorising the compulsory acquisition of land in England or Wales, and

(b) applying Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981 to the acquisition.

(2) As soon as practicable after the appropriate national authority has made the determination, the acquiring authority must give a notice to any person who, if Part 2 of the Acquisition of Land Act 1981 applied to the acquisition, would be entitled to a notice under section 12 of that Act (notice to owners, lessees and occupiers).

(3) The notice must—

(a) contain a statement about the effect of Parts 2 and 3 of the Compulsory Purchase (Vesting Declarations) Act 1981, and

(b) invite any person who would be entitled to claim compensation if a declaration were executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 to give the acquiring authority information about the person's name, address and interest in land, using a form set out in the notice.

(4) The statement referred to in subsection (3)(a) must be the same as the relevant statement prescribed under—

(a) section 15(4)(e) of the Acquisition of Land Act 1981, where the determination was made following an application, or

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(b) paragraph 6(4)(e) of Schedule 1 to that Act, where the determination was made otherwise than following an application,

subject to any necessary modifications.

(5) The form mentioned in subsection (3)(b) must be the same as the relevant form that is prescribed under—

(a) section 15(4)(f) of the Acquisition of Land Act 1981, where the determination was made following an application, or

(b) paragraph 6(4)(f) of Schedule 1 to that Act, where the determination was made otherwise than following an application,

subject to any necessary modifications.

(6) The acquiring authority must send a copy of the notice to the Chief Land Registrar and it shall be a local land charge in respect of the land in England or Wales to which it relates.

(7) For the purposes of subsections (4) and (5), a statement or a form is "relevant"—

(a) where the order under section 1 or 3 is made by the Welsh Ministers, if it was prescribed by the Welsh Ministers, or

(b) where the order under section 1 or 3 is made by the Secretary of State, if it was prescribed by the Secretary of State.

(8) In this section—

the "acquiring authority" means the person authorised to carry out the compulsory acquisition, and

the "appropriate national authority" means—

(a) where an order authorises the compulsory acquisition of land wholly in England, the Secretary of State,

(b) where an order authorises the compulsory acquisition of land in both England and Wales, the Secretary of State, and

(c) where an order authorises the compulsory acquisition of land wholly in Wales, the Welsh Ministers.]

Textual Amendments

F44 S. 14A inserted (E.W.) (2.2.2017) by The Housing and Planning Act 2016 (Compulsory Purchase) (Corresponding Amendments) Regulations 2017 (S.I. 2017/16), reg. 1(2), **Sch. para. 5(1)** (with Sch. para. 5(2))

Consents etc under other enactments

15 Assimilation of procedures.

(1) This section applies to applications made under section 6 above relating to proposals for the purposes of which the giving of a consent, permission or licence under any enactment, or the making or confirmation of an order under any enactment, is required.

(2) The Secretary of State may make regulations for securing that, where the requirement referred to in subsection (1) above would not be removed by the order to which the application relates—

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(a) the procedure for obtaining, or otherwise relating to, the consent, permission, licence, order or confirmation, and

(b) the procedure relating to the application made under section 6 above,

are wholly or partly assimilated (and in particular that proceedings relating to the one may be held concurrently with proceedings relating to the other).

(3) Regulations under this section may include provision—

(a) excluding or modifying the application of any enactment;

(b) authorising the Secretary of State to give directions or take such other steps as may be appropriate for the purpose of securing the object mentioned in subsection (2) above.

(4) The power to make regulations under this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) This section shall apply to proposals by the Secretary of State to make orders by virtue of section 7 above as it applies to applications under section 6 above.

Modifications etc. (not altering text)

C22 S. 15 modified (1.7.1999) by S.I. 1999/672, art. 5, **Sch. 2**

Commencement Information

I17 Pt. I (ss. 1-25) wholly in force at 1. 1. 1993 see s. 70 and S.I. 1992/2784, art. 2, **Sch. 1**.

16 Town and country planning.

(1) In section 90 of the [M7]Town and Country Planning Act 1990 (which gives power to deem planning permission to be granted in certain cases where development is authorised by a government department) after subsection (2) there shall be inserted—

"(2A) On making an order under section 1 or 3 of the Transport and Works Act 1992 which includes provision for development, the Secretary of State may direct that planning permission for that development shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction."

(2) In Schedule 13 to the Town and Country Planning Act 1990 (blighted land) after paragraph 22 there shall be added—

"23 Land—

(a) the compulsory acquisition of which is authorised by an order under section 1 or 3 of the Transport and Works Act 1992, or

(b) which falls within the limits of deviation within which powers of compulsory acquisition conferred by such an order are exercisable, or

(c) which is the subject of a proposal, contained in an application made in accordance with rules under section 6 of that Act or in a draft order prepared under section 7(3) of that Act, that it should be such land."

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Commencement Information
I18 Pt. I (ss. 1-25) wholly in force at 1. 1. 1993 see s. 70 and S.I. 1992/2784, art. 2, **Sch. 1**.

Marginal Citations
M7 1990 c. 8.

17 Listed buildings and conservation areas.

In section 12 of the [M8]Planning (Listed Buildings and Conservation Areas) Act 1990, after subsection (3) there shall be inserted—

"(3A) An application for listed building consent shall, without any direction by the Secretary of State, be referred to the Secretary of State instead of being dealt with by the local planning authority in any case where the consent is required in consequence of proposals included in an application for an order under section 1 or 3 of the Transport and Works Act 1992."

Commencement Information
I19 Pt. I (ss. 1-25) wholly in force at 1. 1. 1993 see s. 70 and S.I. 1992/2784, art. 2, **Sch. 1**.

Marginal Citations
M8 1990 c. 9.

18 Hazardous substances.

In section 12 of the [M9]Planning (Hazardous Substances) Act 1990 (which gives power to deem hazardous substances consent to be granted in certain cases) after subsection (2) there shall be inserted—

"(2A) On making an order under section 1 or 3 of the Transport and Works Act 1992 which includes any provision that would involve the presence of a hazardous substance in circumstances requiring hazardous substances consent, the Secretary of State may direct that hazardous substances consent shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction."

Commencement Information
I20 Pt. I (ss. 1-25) wholly in force at 1. 1. 1993 see s. 70 and S.I. 1992/2784, art. 2, **Sch. 1**.

Marginal Citations
M9 1990 c. 10.

19 Coast Protection Act 1949.

In section 35 of the [M10]Coast Protection Act 1949 (which excepts certain operations from the requirement to obtain the Secretary of State's consent under section 34) in subsection (1) there shall be added after paragraph (g)—

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"(h) any operations authorised by an order under section 1 or 3 of the Transport and Works Act 1992."

Commencement Information

I21 Pt. I (ss. 1-25) wholly in force at 1. 1. 1993 see s. 70 and S.I. 1992/2784, art. 2, **Sch. 1**.

Marginal Citations

M10 1949 c. 74.

20 Power to apply for, or object to, orders.

(1) A body which has power to promote or power to oppose Bills in Parliament shall also have power to apply for, or as the case may be power to object to, orders under sections 1 and 3 above.

(2) Where the power of a body to promote or to oppose Bills is subject to any condition, then, except as provided by subsection (3) [F45or (4)]below, the corresponding power conferred on the body by subsection (1) above shall be subject to the like condition.

F46(3) . . . . . .

F47[(4) In the case of Transport for London—

(a) the powers conferred by subsection (1) above shall be exercisable with the written consent of the Mayor of London; and

(b) subsection (2) above shall not have effect.]

Textual Amendments

F45 Words in s. 20(2) inserted (3.7.2000) by 1999 c. 29, **s. 168(1)(2)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

F46 S. 20(3) omitted (2.7.2012) by virtue of The British Waterways Board (Transfer of Functions) Order 2012 (S.I. 2012/1659), art. 1(2), **Sch. 3 para. 12(3)** (with arts. 4-6)

F47 S. 20(4) inserted (3.7.2000) by 1999 c. 29, **s. 168(1)(3)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

Modifications etc. (not altering text)

C23 S. 20 restricted (1.12.1998) by 1998 c. 38, **s. 37(3)**; S.I. 1998/2789, **art. 2**

Commencement Information

I22 Pt. I (ss. 1-25) wholly in force at 1. 1. 1993 see s. 70 and S.I. 1992/2784, art. 2, **Sch. 1**.

21 Transport Consultative Committees.

(1) In section 56 of the M11Transport Act 1962 (which establishes a Central Transport Consultative Committee and Area Transport Users Consultative Committees) after subsection (6) there shall be inserted—

"(6A) An Area Committee may consider, and if they think fit object to, any proposal for the discontinuance of railway services made in an application for an order

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under section 1 of the Transport and Works Act 1992 or made by the Secretary of State by virtue of section 7 of that Act."

(2) In section 41 of the [M12]London Regional Transport Act 1984 (which provides for the London Regional Passenger Committee to be treated as an Area Transport Users Consultative Committee for certain purposes) in subsection (2)(c) for "(7)" there shall be substituted " (6A) ".

Commencement Information

I23 Pt. I (ss. 1-25) wholly in force at 1. 1. 1993 see s. 70 and S.I. 1992/2784, art. 2, **Sch. 1**.

Marginal Citations

M11 1962 c. 46.

M12 1984 c. 32.

Miscellaneous

22 Validity of orders under section 1 or 3.

(1) If a person aggrieved by an order under section 1 or 3 above desires to question the validity of it, or of any provision contained in it, on the ground—

(a) that it is not within the powers of this Act, or

(b) that any requirement imposed by or under this Act or the [M13]Tribunals and Inquiries Act [F48]1992] has not been complied with,

he may, within the period of 42 days beginning with the day on which the notice required by section 14(1)(b) above is published, make an application for the purpose to the High Court.

(2) On any such application, the court—

(a) may by interim order suspend the operation of the order, or of any provision contained in it, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings, and

(b) if satisfied that the order or any provision contained in it is not within the powers of this Act, or that the interests of the applicant have been substantially prejudiced by a failure to comply with any requirement imposed by or under this Act or the [M14]Tribunals and Inquiries Act [F49]1992] , may quash the order or any provision contained in it, either generally or in so far as it affects any property of the applicant.

(3) Subject to subsections (1) and (2) above, an order under section 1 or 3 above shall not, either before or after it has been made, be questioned in any legal proceedings whatever.

Textual Amendments

F48 Word in s. 22(1)(b) substituted (1.11.2007) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 8 para. 21**; S.I. 2007/2709, art. 3(b)(i)

F49 Word in s. 22(2)(b) substituted (1.11.2007) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 8 para. 21**; S.I. 2007/2709, art. 3(b)(i)

Commencement Information

I24 Pt. I (ss. 1-25) wholly in force at 1. 1. 1993 see s. 70 and S.I. 1992/2784, art. 2, **Sch. 1**.

Marginal Citations

M13 1971 c. 62.

M14 1971 c. 62.

23 Exercise of Secretary of State's functions by appointed person.

(1) The Secretary of State may by regulations prescribe classes of application which are to be dealt with by a person appointed by the Secretary of State for the purpose instead of by the Secretary of State.

(2) The Secretary of State may if he thinks fit direct that an application which would otherwise fall to be determined by an appointed person shall be determined by the Secretary of State.

(3) Subject to subsection (4) below, a person appointed under this section shall have in relation to the application—

(a) the same powers and duties as the Secretary of State has under sections 1 and 3 above, and

(b) such other powers and duties conferred on the Secretary of State under or by virtue of this Part of this Act as may be specified in the regulations;

and for that purpose any reference in any Act or instrument (including this Act and any instrument made under it) to the Secretary of State, or to anything done or authorised or required to be done by or to the Secretary of State, shall be construed, so far as the context permits and subject to regulations under this section, as a reference to that person.

(4) An order made on an application dealt with by a person appointed under this section shall not authorise the compulsory acquisition of land, or the compulsory creation or extinguishment of rights over land (including rights of navigation over water).

(5) Where an application has been dealt with by a person appointed under this section, any order made by him under section 1 or 3 shall be treated as made by the Secretary of State.

(6) At any time before the appointed person has determined the application the Secretary of State may—

(a) revoke his appointment, and

(b) appoint another person under subsection (1) above to deal with the application instead;

and where such a new appointment is made the consideration of the application shall begin afresh, except to the extent that regulations under this section provide otherwise.

(7) If the Secretary of State exercises the power conferred on him by subsection (6)(a) above, he shall give reasons to the appointed person for revoking his appointment.

(8) Regulations under this section may provide for the giving of publicity to any directions given by the Secretary of State under subsection (2) above and to any appointment made by virtue of subsection (6) above.

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(9) The [M15]Tribunals and Inquiries Act [F50]1992] shall apply to a local inquiry or other hearing by a person appointed under this section as it applies to a statutory inquiry held by the Secretary of State, but as if in [F51]section 10(1)] of that Act (statement of reasons for decisions) the reference to any decision taken by the Secretary of State were a reference to a decision taken by an appointed person.

F52(9A) . . . . . .

[F53](10) Where a person appointed under this section is an officer of [F54]the Department for Levelling Up, Housing and Communities], the Department for Transport], [F55]Department for Energy Security and Net Zero] or the Welsh Office, his functions shall be treated for the purposes of the [M16]Parliamentary Commissioner Act 1967—

[F56](a) if he was appointed by the Secretary of State for the time being having general responsibility in transport matters in relation to England, as functions of the Department for Transport;

(b) if he was appointed by the Secretary of State for the time being having general responsibility in planning matters in relation to England, as functions of [F54]the Department for Levelling Up, Housing and Communities];]

(c) if he was appointed by the Secretary of State for the time being having general responsibility in energy matters, as functions of [F55]Department for Energy Security and Net Zero];

(d) if he was appointed by the Secretary of State for the time being having general responsibility in planning matters in relation to Wales, as functions of the Welsh Office.

(11) The power to make regulations under this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F50 Word in s. 23(9) substituted (1.11.2007) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 8 para. 22(2)(a)**; S.I. 2007/2709, art. 3(b)(i)

F51 Words in s. 23(9) substituted (1.11.2007) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, **Sch. 8 para. 22(2)(b)**; S.I. 2007/2709, art. 3(b)(i)

F52 S. 23(9A) omitted (19.9.2013) by virtue of The Public Bodies (Abolition of Administrative Justice and Tribunals Council) Order 2013 (S.I. 2013/2042), art. 1(2), **Sch. para. 9**

F53 Words in s. 23(10) substituted (25.11.2002) by The Transfer of Functions (Transport, Local Government and the Regions) Order 2002 (S.I. 2002/2626), art. 20, **Sch. 2 para. 20(a)**

F54 Words in s. 23(10) substituted (8.12.2021) by The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265), art. 1(2), **Sch. 2 para. 10** (with art. 12)

F55 Words in s. 23(10) substituted (3.5.2023) by The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023 (S.I. 2023/424), art. 1(2), **Sch. para. 7** (with art. 17)

F56 S. 23(10)(a)(b) substituted (25.11.2002) for s. 23(10)(a) by The Transfer of Functions (Transport, Local Government and the Regions) Order 2002 (S.I. 2002/2626), art. 20, **Sch. 2 para. 20(b)**

Commencement Information

I25 Pt. I (ss. 1-25) wholly in force at 1. 1. 1993 see s. 70 and S.I. 1992/2784, art. 2, **Sch. 1**.

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Marginal Citations

M15 1971 c. 62.

M16 1967 c. 13.

24 Private legislation procedure in Scotland.

In section 1 of the [M17]Private Legislation Procedure (Scotland) Act 1936 (which requires the promotion of Provisional Orders rather than Private Bills in connection with powers relating to Scotland), in subsection (4) (which provides an exception from the requirement in certain cases relating to Scotland and elsewhere if the promotion of a Private Bill would be more appropriate than the promotion of a Private Bill and a Provisional Order) after the words "Provisional Order" there shall be inserted the words " (or a Provisional Order and an order under section 1 or 3 of the Transport and Works Act 1992) ".

Modifications etc. (not altering text)

C24 S. 24 excluded (14.6.2016) by The Midland Metro (Birmingham City Centre Extension, etc.) (Land Acquisition and Variation) Order 2016 (S.I. 2016/545), arts. 1, **5(1)(b)(ii)** (with art. 39)

Commencement Information

I26 Pt. I (ss. 1-25) wholly in force at 1. 1. 1993 see s. 70 and S.I. 1992/2784, art. 2, **Sch. 1**.

Marginal Citations

M17 1936 c. 52.

25 Crown land.

(1) If the appropriate authority agrees—

(a) an interest which—

(i) subsists in land in which there is a Crown or Duchy interest, but

(ii) is not itself a Crown or Duchy interest,

may be acquired compulsorily by virtue of an order under section 1 or 3 above, and

(b) any provision of this Act or of such an order (other than a provision by virtue of which an interest in land is compulsorily acquired) may apply in relation to land in which there is a Crown or Duchy interest.

(2) In this section "Crown or Duchy interest" means an interest belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster, or belonging to the Duchy of Cornwall, or belonging to a government department, or held in trust for Her Majesty for the purposes of a government department.

(3) In this section "the appropriate authority" means—

(a) in the case of land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, the Crown Estate Commissioners;

(b) in the case of other land belonging to Her Majesty in right of the Crown, the government department having the management of the land [[F57]or the relevant person];

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Transport and Works Act 1992 is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(c) in the case of land belonging to Her Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;

(d) in the case of land belonging to the Duchy of Cornwall, such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints;

(e) in the case of land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, that department.

[F58(3A) In subsection (3), "relevant person", in relation to any land to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that land.]

(4) If any question arises as to what authority is the appropriate authority in relation to any land, that question shall be referred to the Treasury, whose decision shall be final.

Textual Amendments

F57 Words in s. 25(3)(b) inserted (1.4.2017) by The Crown Estate Transfer Scheme 2017 (S.I. 2017/524), art. 1(2), **Sch. 5 para. 25(a)**

F58 S. 25(3A) inserted (1.4.2017) by The Crown Estate Transfer Scheme 2017 (S.I. 2017/524), art. 1(2), **Sch. 5 para. 25(b)**

Commencement Information

I27 Pt. I (ss. 1-25) wholly in force at 1. 1. 1993 see s. 70 and S.I. 1992/2784, art. 2, **Sch. 1**.

PART II

SAFETY OF RAILWAYS ETC

CHAPTER I

OFFENCES INVOLVING DRINK OR DRUGS

Commencement Information

I28 Pt. II Ch. 1 (ss. 26-40) wholly in force at 7.12.1992 see s. 70 and S.I. 1992/2043, **art. 2(a)**

Preliminary

26 Transport systems to which Chapter I applies.

(1) This Chapter applies to transport systems of any of the following kinds—

(a) a railway;

(b) a tramway;

(c) a system which uses another mode of guided transport and is specified for the purposes of this Chapter by an order made by the Secretary of State.

(2) This Chapter shall not apply to a transport system unless it is used, or is intended to be used, wholly or partly for the carriage of members of the public.

Status: *This version of this Act contains provisions that are prospective.*
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(3) The power to make orders under this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Commencement Information

I29 Pt. II ch. 1 (ss. 26-40) wholly in force at 7. 12. 1992 see s. 70 and S.I. 1992/2043, **art. 2(a)**.

Principal offences

27 Offences involving drink or drugs on transport systems.

(1) If a person works on a transport system to which this Chapter applies—

(a) as a driver, guard, conductor or signalman or in any other capacity in which he can control or affect the movement of a vehicle, or

(b) in a maintenance capacity or as a supervisor of, or look-out for, persons working in a maintenance capacity,

when he is unfit to carry out that work through drink or drugs, he shall be guilty of an offence.

(2) If a person works on a transport system to which this Chapter applies—

(a) as a driver, guard, conductor or signalman or in any other capacity in which he can control or affect the movement of a vehicle, or

(b) in a maintenance capacity or as a supervisor of, or look-out for, persons working in a maintenance capacity,

after consuming so much alcohol that the proportion of it in his breath, blood or urine exceeds the prescribed limit, he shall be guilty of an offence.

(3) For the purposes of this section, a person works on a transport system in a maintenance capacity if his work on the system involves maintenance, repair or alteration of—

(a) the permanent way or other means of guiding or supporting vehicles,

(b) signals or any other means of controlling the movement of vehicles, or

(c) any means of supplying electricity to vehicles or to the means of guiding or supporting vehicles,

or involves coupling or uncoupling vehicles or checking that they are working properly before they are used on any occasion.

(4) For the purposes of subsection (1) above, a person shall be taken to be unfit to carry out any work if his ability to carry out that work properly is for the time being impaired.

Commencement Information

I30 Pt. II Ch. 1 (ss. 26-40) wholly in force at 7. 12. 1992 see s. 70 and S.I. 1992/2043, **art. 2(a)**.

28 Offences by operators of transport systems.

(1) If a person commits an offence under section 27 above, the responsible operator shall also be guilty of an offence.

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(2) In this section "the responsible operator" means—

(a) in a case where the transport system on which the offence under section 27 above is committed has only one operator, that operator;

(b) in a case where the transport system on which the offence under section 27 above is committed has more than one operator, whichever of them is responsible for the work giving rise to the offence.

(3) No offence is committed under subsection (1) above if the responsible operator has exercised all due diligence to prevent the commission on the transport system of any offence under section 27 above.

(4) If a person commits an offence under section 27 above in the course of his employment with a person other than the responsible operator, his employer shall (without prejudice to any liability of that operator under subsection (1) above) also be guilty of an offence.

(5) No offence is committed under subsection (4) above if the employer has exercised all due diligence to prevent the commission on the transport system by any of his employees of any offence under section 27 above.

Commencement Information

I31 Pt. II Ch. 1 (ss. 26-40) wholly in force at 7. 12. 1992 see s. 70 and S.I. 1992/2043, **art. 2(a)**.

Police powers etc

29 Breath tests.

(1) Where a constable in uniform has reasonable cause to suspect—

(a) that a person working on a transport system to which this Chapter applies in any capacity mentioned in section 27(1) and (2) above has alcohol in his body, or

(b) that a person has been working on a transport system to which this Chapter applies in any capacity mentioned in section 27(1) and (2) above with alcohol in his body and still has alcohol in his body,

he may require that person to provide a specimen of breath for a breath test.

(2) Where an accident or dangerous incident occurs on a transport system to which this Chapter applies, a constable in uniform may require a person to provide a specimen of breath for a breath test if he has reasonable cause to suspect that—

(a) at the time of the accident or incident that person was working on the transport system in a capacity mentioned in section 27(1) and (2) above, and

(b) an act or omission of that person while he was so working may have been a cause of the accident or incident.

(3) In subsection (2) above "dangerous incident" means an incident which in the constable's opinion involved a danger of death or personal injury.

(4) A person may be required under subsection (1) or subsection (2) above to provide a specimen either at or near the place where the requirement is made or, if the requirement is made under subsection (2) above and the constable making the requirement thinks fit, at a police station specified by the constable.

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(5) A person who, without reasonable excuse, fails to provide a specimen of breath when required to do so in pursuance of this section shall be guilty of an offence.

Commencement Information

I32 Pt. II Ch. 1 (ss. 26-40) wholly in force at 7. 12. 1992 see s. 70 and S.I. 1992/2043, **art. 2(a)**.

30 Powers of arrest and entry.

F59(1) . . . . . .

(2) A constable may arrest a person without warrant if—

(a) as a result of a breath test under section 29 above he has reasonable cause to suspect that the proportion of alcohol in that person's breath or blood exceeds the prescribed limit, or

(b) that person has failed to provide a specimen of breath for a breath test when required to do so in pursuance of section 29 above and the constable has reasonable cause to suspect that he has alcohol in his body.

F60(3) . . . . . .

(4) A constable may, for the purpose of—

(a) requiring a person to provide a specimen of breath under section 29(2) above in the case of an accident which the constable has reasonable cause to suspect involved the death of, or injury to, another person, or

(b) arresting a person in such a case under subsection (2) above,

enter (if need be by force) any place where that person is or where the constable, with reasonable cause, suspects him to be.

Textual Amendments

F59 S. 30(1) repealed (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 7 para. 29, **Sch. 17 Pt. 2**; S.I. 2005/3495, art. 2(1)(m)(u)

F60 S. 30(3) repealed (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 7 para. 29, **Sch. 17 Pt. 2**; S.I. 2005/3495, art. 2(1)(m)(u)

Commencement Information

I33 Pt. II Ch. 1 (ss. 26-40) wholly in force at 7. 12. 1992 see s. 70 and S.I. 1992/2043, **art. 2(a)**.

31 Provision of specimens for analysis.

(1) In the course of an investigation into whether a person has committed an offence under section 27 above, a constable may require him—

(a) to provide two specimens of breath for analysis by means of a device of a type approved by the Secretary of State, or

(b) to provide a specimen of blood or urine for a laboratory test.

[F61(2) A constable may make a requirement under this section to provide specimens of breath only if—

(a) the requirement is made at a police station or a hospital, or

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(b) the constable is in uniform.]

(3) A requirement under this section to provide a specimen of blood or urine shall only be made at a police station or at a hospital; and it shall not be made at a police station unless subsection (4) below applies.

(4) This subsection applies if—

(a) the constable making the requirement has reasonable cause to believe that for medical reasons a specimen of breath cannot be provided or should not be required,

(b) at the time the requirement is made, either a device (or reliable device) of the type mentioned in subsection (1)(a) above is not available at the police station or it is for any other reason not practicable to use such a device there, [F62]. . .

[F63(bb) a device of the type mentioned in subsection (1)(a) above has been used at the police station but the constable who required the specimens of breath has reasonable cause to believe that the device has not produced a reliable indication of the proportion of alcohol in the breath of the person concerned, or]

(c) the suspected offence is one under section 27(1) above and the constable making the requirement has been advised by a medical practitioner [F64or a registered health care professional] that the condition of the person required to provide the specimen might be due to a drug.

(5) A person may be required to provide a specimen of blood or urine in pursuance of this section notwithstanding that he has already provided or been required to provide two specimens of breath.

(6) If the provision of a specimen other than a specimen of breath may be required in pursuance of this section, the question whether it is to be a specimen of blood or a specimen of urine [F65and, in the case of a specimen of blood, the question who is to be asked to take it shall be decided (subject to subsection (6A)) by the constable making the requirement] .

[F66(6A) Where a constable decides for the purposes of subsection (6) to require the provision of a specimen of blood, there shall be no requirement to provide such a specimen if—

(a) the medical practitioner who is asked to take the specimen is of the opinion that, for medical reasons, it cannot or should not be taken; or

(b) the registered health care professional who is asked to take it is of that opinion and there is no contrary opinion from a medical practitioner,

and, where by virtue of this subsection there can be no requirement to provide a specimen of blood, the constable may require a specimen of urine instead.]

(7) A specimen of urine shall be provided within one hour of the requirement for its provision being made and after the provision of a previous specimen of urine.

[F67(7A) A constable may arrest a person without warrant if—

(a) the person fails to provide a specimen of breath when required to do so in pursuance of this section, and

(b) the constable reasonably suspects that the person has alcohol in his body.]

(8) A person who, without reasonable excuse, fails to provide a specimen when required to do so in pursuance of this section shall be guilty of an offence.

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(9) A constable shall, on requiring a person to provide a specimen in pursuance of this section, warn him that a failure to provide it may render him liable to prosecution.

F68(9A) . . . . . .

F69(9B) . . . . . .

F70(9C) . . . . . .

Textual Amendments

F61 S. 31(2) substituted (10.4.2015) by Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 11 para. 4(2)**; S.I. 2015/994, art. 4

F62 Word in s. 31(4)(b) repealed (4.7.1996) (but with effect (1.4.1997) as mentioned in s. 63(3)) by 1996 c. 25, ss. 63(2)(3), 80, **Sch. 5 para. 2** Table 5 (with s. 78(1)); S.I. 1997/682, **art. 2**

F63 S. 31(4)(bb) inserted (4.7.1996) (but with effect (1.4.1997) as mentioned in s. 63(3)) by 1996 c. 25, **ss. 63(2)(3)** (with s. 78(1)); S.I. 1997/682, **art. 2**

F64 Words in s. 31(4)(c) inserted (10.4.2015) by Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 11 para. 6(a)**; S.I. 2015/994, art. 4

F65 Words in s. 31(6) substituted (1.4.2003) by Police Reform Act 2002 (c. 30), **ss. 58(1)**, 108(2); S.I. 2003/808, art. 2(e)

F66 S. 31(6A) inserted (1.4.2003) by Police Reform Act 2002 (c. 30), **ss. 58(2)**, 108(2); S.I. 2003/808, art. 2(e)

F67 S. 31(7A) inserted (10.4.2015) by Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 11 para. 4(3)**; S.I. 2015/994, art. 4

F68 S. 31(9A) omitted (10.4.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 11 para. 6(b)**; S.I. 2015/994, art. 4

F69 S. 31(9B) omitted (10.4.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 11 para. 6(b)**; S.I. 2015/994, art. 4

F70 S. 31(9C) omitted (10.4.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 11 para. 6(b)**; S.I. 2015/994, art. 4

Commencement Information

I34 Pt. II Ch. 1 (ss. 26-40) wholly in force at 7. 12. 1992 see s. 70 and S.I. 1992/2043, **art. 2(a)**.

[F71 31A Specimens of blood taken from persons incapable of consenting

(1) A constable may make a request to [F72a medical or health care practitioner] for him to take a specimen of blood from a person ("the person concerned") irrespective of whether that person consents if—

(a) that person is a person from whom the constable would (in the absence of any incapacity of that person and of any objection under section 33) be entitled under section 31 to require the provision of a specimen of blood for a laboratory test;

(b) it appears to that constable that that person has been involved in—

(i) an accident that constitutes or is comprised in the matter that is under investigation or the circumstances of that matter; or

(ii) a dangerous incident (within the meaning given by section 29(3)) that constitutes or is comprised in that matter or those circumstances;

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(c) it appears to that constable that that person is or may be incapable (whether or not he has purported to do so) of giving a valid consent to the taking of a specimen of blood; and

(d) it appears to that constable that that person's incapacity is attributable to medical reasons.

(2) A request under this section—

(a) shall not be made to [F73a medical or health care practitioner] who for the time being has any responsibility (apart from the request) for the clinical care of the person concerned; and

(b) shall not be made to [F74a practitioner other than a police medical or health care practitioner] unless—

(i) it is not reasonably practicable for the request [F75to be made to a police medical or health care practitioner] ; or

(ii) it is not reasonably practicable for such a F76... practitioner (assuming him to be willing to do so) to take the specimen.

(3) It shall be lawful for [F77a medical or health care practitioner] to whom a request is made under this section, if he thinks fit—

(a) to take a specimen of blood from the person concerned irrespective of whether that person consents; and

(b) to provide the sample to a constable.

(4) If a specimen is taken in pursuance of a request under this section, the specimen shall not be subjected to a laboratory test unless the person from whom it was taken—

(a) has been informed that it was taken; and

(b) has been required by a constable to give his permission for a laboratory test of the specimen; and

(c) has given his permission.

(5) A constable must, on requiring a person to give his permission for the purposes of this section for a laboratory test of a specimen, warn that person that a failure to give the permission, may render him liable to prosecution.

(6) A person who, without reasonable excuse, fails to give his permission for a laboratory test of a specimen of blood taken from him under this section is guilty of an offence.

[F78(7) In this section—

"medical or health care practitioner" means a medical practitioner or a registered health care professional;

"police medical or health care practitioner" means a medical practitioner, or a registered health care professional, who is engaged under any agreement to provide medical or health care services for purposes connected with the activities of a police force.]]

Textual Amendments

F71 S. 31A inserted (1.10.2002) by Police Reform Act 2002 (c. 30), **s. 58(4)**; S.I. 2002/2306, **art. 2(d)(v)**

F72 Words in s. 31A(1) substituted (10.4.2015) by Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 11 para. 12(2)**; S.I. 2015/994, art. 4

F73 Words in s. 31A(2)(a) substituted (10.4.2015) by Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 11 para. 12(2)**; S.I. 2015/994, art. 4

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F74 Words in s. 31A(2)(b) substituted (10.4.2015) by Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 11 para. 12(3)**; S.I. 2015/994, art. 4

F75 Words in s. 31A(2)(b)(i) substituted (10.4.2015) by Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 11 para. 12(4)**; S.I. 2015/994, art. 4

F76 Word in s. 31A(2)(b)(ii) omitted (10.4.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 11 para. 12(5)**; S.I. 2015/994, art. 4

F77 Words in s. 31A(3) substituted (10.4.2015) by Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 11 para. 12(6)**; S.I. 2015/994, art. 4

F78 S. 31A(7) substituted (10.4.2015) by Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 11 para. 12(7)**; S.I. 2015/994, art. 4

32 [F79Breath specimen showing higher alcohol level to be disregarded]

(1) Of any two specimens of breath provided by a person in pursuance of section 31 above, the one with the lower proportion of alcohol in the breath shall be used and the other shall be disregarded.

F80(2) . . . . . .

F80(3) . . . . . .

F80(4) . . . . . .

Textual Amendments

F79 S. 32 heading substituted (10.4.2015) by Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 11 para. 2(2)**; S.I. 2015/994, art. 4

F80 S. 32(2)-(4) omitted (10.4.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 11 para. 2(1)**; S.I. 2015/994, art. 4

Commencement Information

I35 Pt. II Ch. 1 (ss. 26-40) wholly in force at 7. 12. 1992 see s. 70 and S.I. 1992/2043, **art. 2(a)**.

33 Protection for hospital patients.

(1) While a person is at a hospital as a patient, he shall not be required to provide a specimen of breath for a breath test or to provide a specimen for a laboratory test unless the medical practitioner in immediate charge of his case has been notified of the proposal to make the requirement; and—

(a) if the requirement is then made, it shall be for the provision of a specimen at the hospital, but

(b) if the medical practitioner objects on the ground specified in subsection (2) below, the requirement shall not be made.

[F81(1A) While a person is at a hospital as a patient, no specimen of blood shall be taken from him under section 31A of this Act and he shall not be required to give his permission for a laboratory test of a specimen taken under that section unless the medical practitioner in immediate charge of his case—

(a) has been notified of the proposal to take the specimen or to make the requirement; and

(b) has not objected on the ground specified in subsection (2).

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(2) The ground on which the medical practitioner may object is—

(a) in a case falling within subsection (1), that the requirement or the provision of the specimen or (if one is required) the warning required by section 31(9) of this Act would be prejudicial to the proper care and treatment of the patient; and

(b) in a case falling within subsection (1A), that the taking of the specimen, the requirement or the warning required by section 31A(5) of this Act would be so prejudicial.]

(3) A person shall not be arrested under section 30(2) above while he is at a hospital as a patient.

Textual Amendments

F81 S. 33(1A)(2) substituted (1.10.2002) for s. 33(2) by Police Reform Act 2002 (c. 30), **s. 58(5)**; S.I. 2002/2360, **art. 2(d)(v)**

Commencement Information

I36 Pt. II Ch. 1 (ss. 26-40) wholly in force at 7. 12. 1992 see s. 70 and S.I. 1992/2043, **art. 2(a)**.

Evidence in proceedings for offences under section 27

34 Use of specimens in proceedings.

(1) In proceedings for any offence under section 27 above—

(a) evidence of the proportion of alcohol or any drug in a specimen of breath, blood or urine provided by [F82or taken from] the accused shall be taken into account, and

(b) it shall be assumed that the proportion of alcohol in the accused's breath, blood or urine at the time of the alleged offence was not less than in the specimen.

(2) That assumption shall not be made if the accused proves—

(a) that he consumed alcohol before he provided the specimen [F83or had it taken from him] and after he had stopped work on the occasion of the alleged offence, and

(b) that, had he not done so, the proportion of alcohol in his breath, blood or urine would not have exceeded the prescribed limit and, where the offence alleged is an offence of being unfit to carry out the work in question through drink, would not have been such as to impair his ability to carry out that work properly.

(3) Where, at the time a specimen of blood or urine was provided by the accused, he asked to be provided with such a specimen, evidence of the proportion of alcohol or any drug found in the specimen shall not be admissible in the proceedings on behalf of the prosecution unless—

(a) the specimen in which the alcohol or drug was found is one of two parts into which the specimen provided by the accused was divided at the time it was provided, and

(b) the other part was supplied to the accused.

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[F84(3A) Where a specimen of blood was taken from the accused under section 31A, evidence of the proportion of alcohol or any drug found in the specimen is not admissible on behalf of the prosecution in the proceedings unless—

(a) the specimen in which the alcohol or drug was found is one of two parts into which the specimen taken from the accused was divided at the time it was taken; and

(b) any request to be supplied with the other part which was made by the accused at the time when he gave his permission for a laboratory test of the specimen was complied with.]

Textual Amendments

F82 Words in s. 34(1)(a) inserted (1.10.2002) by Police Reform Act 2002 (c. 30), **s. 58(6)**; S.I. 2002/2306, **art. 2(d)(v)**

F83 Words in s. 34(2)(a) inserted (1.10.2002) by Police Reform Act 2002 (c. 30), **s. 58(7)**; S.I. 2002/2306, **art. 2(d)(v)**

F84 S. 34(3A) inserted (1.10.2002) by virtue of Police Reform Act 2002 (c. 30), **s. 58(8)**; S.I. 2002/2306, **art. 2(d)(v)**

Commencement Information

I37 Pt. II Ch. 1 (ss. 26-40) wholly in force at 7. 12. 1992 see s. 70 and S.I. 1992/2043, **art. 2(a)**.

35 Documentary evidence as to specimens.

(1) In proceedings for any offence under section 27 above, evidence of the proportion of alcohol in a specimen of breath may be given by the production of a document (or documents) purporting to be—

(a) a statement automatically produced by the device by which the proportion of alcohol in the specimen was measured, and

(b) a certificate signed by a constable (which may but need not be contained in the same document as the statement) that the specimen was provided by the accused at the date and time shown in the statement.

(2) In such proceedings, evidence of the proportion of alcohol or a drug in a specimen of blood or urine may be given by the production of a document purporting to be a certificate signed by an authorised analyst identifying the specimen and stating the proportion of alcohol or drug found in it.

(3) In such proceedings, evidence that a specimen of blood was taken from the accused with his consent by a medical practitioner [F85or a registered health care professional] may be given by the production of a document purporting to be a certificate to that effect signed by the practitioner [F85or a registered health care professional] .

(4) A document such as is mentioned in subsection (1) above shall be admissible in evidence on behalf of the prosecution in pursuance of this section only if a copy of it either was handed to the accused when the document was produced or was served on him not later than seven days before the hearing.

(5) A document such as is mentioned in subsection (2) or (3) above shall be admissible in evidence on behalf of the prosecution in pursuance of this section only if a copy of it was served on the accused not later than seven days before the hearing.

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(6) A document purporting to be a certificate (or so much of a document as purports to be a certificate) shall not be admissible in evidence on behalf of the prosecution in pursuance of this section if the accused, not later than three days before the hearing or within such further time as the court may in special circumstances allow, has served notice on the prosecutor requiring the attendance at the hearing of the person by whom the document purports to be signed.

(7) In this section "served" means [F86, in relation to proceedings in England and Wales, served in accordance with Criminal Procedure Rules or, otherwise,] served personally or sent by registered post or recorded delivery service.

(8) In subsection (2) above "authorised analyst" means—

(a) any person possessing the qualifications prescribed by regulations made under section 76 of the M18Food Act 1984 or section 27 of the M19Food and Drugs (Scotland) Act 1956 as qualifying persons for appointment as public analysts under those Acts, or

(b) any other person authorised by the Secretary of State to make analyses for the purposes of this section.

Textual Amendments

F85 Words in s. 35(3) inserted (1.4.2003) by virtue of Police Reform Act 2002 (c. 30), **ss. 58(9)**, 108(2); S.I. 2003/808, art. 2(e)

F86 Words in s. 35(7) inserted (28.6.2022) by Judicial Review and Courts Act 2022 (c. 35), s. 51(3), **Sch. 1 para. 12**

Commencement Information

I38 Pt. II Ch. 1 (ss. 26-40) wholly in force at 7. 12. 1992 see s. 70 and S.I. 1992/2043, **art. 2(a)**.

Marginal Citations

M18 1984 c. 30.

M19 1956 c. 30.

Penalties

36 Penalties.

(1) A person guilty of any offence under this Chapter other than an offence under section 29(5) above shall be liable on summary conviction to imprisonment for a term not exceeding six months, to a fine not exceeding level 5 on the standard scale or to both.

(2) A person guilty of an offence under section 29(5) above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Commencement Information

I39 Pt. II Ch. 1 (ss. 26-40) wholly in force at 7. 12. 1992 see s. 70 and S.I. 1992/2043, **art. 2(a)**.

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Miscellaneous and supplementary

37 Special provision for Scotland.

(1) Section 30(3) and (4) above shall not extend to Scotland, and nothing in those subsections shall affect any rule of law in Scotland concerning the right of a constable to enter any premises for any purpose.

(2) In proceedings for any offence under section 27 above in Scotland—

(a) a document produced in evidence on behalf of the prosecution in pursuance of section 35 above and, where the person by whom the document was signed is called as a witness, the evidence of that person, shall be sufficient evidence of the facts stated in the document, and

(b) a written execution purporting to be signed by the person who handed to or served on the accused or the prosecutor a copy document or notice under section 35 above, together with, where appropriate, a post office receipt for the relevant registered or recorded delivery letter, shall be sufficient evidence of the handing or service of the copy document or notice.

Commencement Information

I40 Pt. II Ch. 1 (ss. 26-40) wholly in force at 7. 12. 1992 see s. 70 and S.I. 1992/2043, **art. 2(a)**.

38 Interpretation of Chapter I.

(1) In this Chapter—

"breath test" means a preliminary test for the purpose of obtaining, by means of a device of a type approved by the Secretary of State, an indication whether the proportion of alcohol in a person's breath or blood is likely to exceed the prescribed limit;

"drug" includes any intoxicant other than alcohol;

"fail" includes refuse;

"hospital" means an institution which provides medical or surgical treatment for in-patients or out-patients.

(2) In this Chapter "the prescribed limit" means, as the case may require—

(a) 35 microgrammes of alcohol in 100 millilitres of breath,

(b) 80 milligrammes of alcohol in 100 millilitres of blood, or

(c) 107 milligrammes of alcohol in 100 millilitres of urine,

or such other proportion as may be prescribed by regulations made by the Secretary of State.

[F87(2A) In this Chapter "registered health care professional" means a person (other than a medical practitioner) who is—

(a) a registered nurse; or

(b) a registered member of a health care profession which is designated for the purposes of this paragraph by an order made by the Secretary of State.

(2B) A health care profession is any profession mentioned in section 60(2) of the Health Act 1999 (c. 8) other than the profession of practising medicine and the profession of nursing.

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(2C) An order under subsection (2A)(b) shall be made by statutory instrument; and any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

(3) For the purposes of this Chapter, it is immaterial whether a person who works on a transport system does so in the course of his employment, under a contract for services, voluntarily or otherwise.

(4) For the purposes of this Chapter, a person does not provide a specimen of breath for a breath test or for analysis unless the specimen—

(a) is sufficient to enable the test or the analysis to be carried out, and

(b) is provided in such a way as to enable the objective of the test or analysis to be satisfactorily achieved.

[F88(5) For the purposes of this Chapter, a person provides a specimen of blood if and only if—

(a) he consents to the taking of such a specimen from him; and

(b) the specimen is taken from him F89... either by a medical practitioner or by a registered health care professional.]

(6) The power to make regulations under subsection (2) above shall be exercisable by statutory instrument; and no such regulations shall be made unless a draft of the instrument containing them has been laid before, and approved by a resolution of, each House of Parliament.

Textual Amendments

F87 S. 38(2A)-(2C) inserted (1.10.2002 for specified purposes, 1.4.2003 in so far as not already in force) by Police Reform Act 2002 (c. 30), **ss. 58(10)**, 108(2); S.I. 2002/2306, art. 4(d); S.I. 2003/808, art. 2(e)

F88 S. 38(5) substituted (1.4.2003) by Police Reform Act 2002 (c. 30), **ss. 58(11)**, 108(2); S.I. 2003/808, art. 2(e)

F89 Words in s. 38(5)(b) omitted (10.4.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 11 para. 13**; S.I. 2015/994, art. 4

Commencement Information

I41 Pt. II Ch. 1 (ss. 26-40) wholly in force at 7. 12. 1992 see s. 70 and S.I. 1992/2043, **art. 2(a)**.

39 Amendment of scope of offences involving drink or drugs under Road Traffic Act 1988.

The following section shall be inserted in the M20Road Traffic Act 1988 after section 192—

"192A Tramcars and other guided vehicles: drink and drugs.

(1) Sections 4 to 11 of this Act shall not apply (to the extent that apart from this subsection they would) to vehicles on any transport system to which Chapter I of Part II of the Transport and Works Act 1992 (offences involving drink or drugs on railways, tramways and certain other guided transport systems) applies.

(2) Subject to subsection (1) above, the Secretary of State may by regulations provide that sections 4 to 11 of this Act shall apply to vehicles on a system

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of guided transport specified in the regulations with such modifications as he considers necessary or expedient.

(3) Regulations under subsection (2) above may make different provision for different cases.

(4) In this section—

"guided transport" means transport by vehicles guided by means external to the vehicles (whether or not the vehicles are also capable of being operated in some other way), and

"vehicle" includes mobile traction unit."

Commencement Information

I42 Pt. II Ch. 1 (ss. 26-40) wholly in force at 7. 12. 1992 see s. 70 and S.I. 1992/2043, **art. 2(a)**.

Marginal Citations

M20 1988 c. 52.

[F90]40 Consequential amendment.

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Textual Amendments

F90 S. 40 repealed (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), **Sch. 17 Pt. 2**; S.I. 2005/3495, art. 2(1)(u)

CHAPTER II

OTHER SAFETY PROVISIONS

General

41 Approval of works, plant and equipment.

(1) For the purpose of securing the safe operation of railways, tramways, trolley vehicle systems and prescribed systems of guided transport, the Secretary of State may make regulations requiring that [[F91]the approval of a specified authority] be obtained before—

(a) new works, plant or equipment are first brought into use, or

(b) works, plant or equipment are first brought into use after alterations have been made to them.

(2) Regulations under this section—

(a) shall prescribe the cases in which approval is required and the procedure for obtaining it;

(b) may include provision as to the time when works, plant or equipment are to be treated as first brought into use, including provision for disregarding periods

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of testing and other periods of use before sufficient information is available for a decision to be made on an application for approval;

(c) may include provision prohibiting the giving of false information to the [F92specified authority] .

(3) Regulations under this section may make different provision for different cases, and may include provision authorising the [F93specified authority] —

(a) to dispense (conditionally or unconditionally) with compliance with regulations that would otherwise apply, or

(b) to require compliance with regulations that would not otherwise apply,

either in the case of any particular works, plant, equipment or alterations, or in the case of works, plant, equipment or alterations of such descriptions as [F94it] may determine.

(4) Regulations under this section may provide that any person who without reasonable cause contravenes any specified provision of the regulations, or does so in specified circumstances, shall be guilty of an offence under this section.

(5) Where the commission by any person of an offence under this section is due to the act or default of some other person, that other person shall be guilty of the offence, and a person may be charged with and convicted of the offence by virtue of this subsection whether or not proceedings are taken against the first-mentioned person.

(6) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(7) In this section—

"equipment" includes vehicles;

"prescribed systems of guided transport" means systems using a mode of guided transport prescribed by regulations under this section.

[F95"specified authority" means such authority as may be specified in regulations under this section .]

(8) The power to make regulations under this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F91 Words in s. 41(1) substituted (1.4.2006) by The Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006 (S.I. 2006/557), reg. 1, **Sch. para. 1(2)(a)**

F92 Words in s. 41(2)(c) substituted (1.4.2006) by The Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006 (S.I. 2006/557), reg. 1, **Sch. para. 1(2)(b)**

F93 Words in s. 41(3) substituted (1.4.2006) by The Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006 (S.I. 2006/557), reg. 1, **Sch. para. 1(2)(c)(i)**

F94 Word in s. 41(3) substituted (1.4.2006) by The Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006 (S.I. 2006/557), reg. 1, **Sch. para. 1(2)(c)(ii)**

F95 Words in s. 41(7) inserted (1.4.2006) by The Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006 (S.I. 2006/557), reg. 1, **Sch. para. 1(2)(d)**

Modifications etc. (not altering text)

C25 Ss. 41-45: Power to repeal or modify conferred (2.2.1994) by 1993 c. 43, **ss. 117(4)(m)(6)**, 150(1)(e); S.I. 1994/202, **art. 2**

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Ss. 41-45 amended (2.4.1994) by 1993 c. 43, **s. 117(1)(6)**,(with S.I. 1990/1380, **arts 3**,4); S.I. 1994/202, **art. 2**

C26 S. 41: transfer of functions (in part) (10.5.1997) by S.I. 1997/553, **reg. 10(1)(a)**

Commencement Information

I43 S. 41 wholly in force at 31. 1. 1993 see s. 70 and S.I. 1992/3144, art. 3, **Sch.**

F96 42 Inspectors.

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Textual Amendments

F96 S. 42 repealed (10.5.1997) by S.I. 1997/553, art. 12(1), **Sch. Pt. I**

F97 43 Accidents etc.

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Textual Amendments

F97 S. 43 repealed (1.4.1996) by S.I. 1995/3163, **reg. 14(1)**

F98 44 Accidents etc: consequential amendments.

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Textual Amendments

F98 S. 44 repealed (1.4.1996) by S.I. 1995/3163, **reg. 14(1)**

F99 45 Directions limiting speeds and loads.

(1) The [F100relevant enforcing authority] may give a direction under this section to any person carrying on an undertaking which includes the provision of transport services on a railway, tramway or system using any other mode of guided transport.

(2) A direction under this section may impose—

(a) maximum speeds at which vehicles in use on the system may travel, and

(b) maximum weights that may be transmitted to the rails (or other structures which support vehicles in use on the system) by any one pair of wheels, or by such other parts of the vehicles as may be specified in the direction.

(3) Directions under this section may make different provision for different vehicles, different parts of the system, or otherwise for different circumstances.

(4) Before giving a direction under this section, the [F101relevant enforcing authority] shall consult the person to whom [F102that authority] proposes to give it.

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(5) If a direction under this section is contravened in the course of the provision of transport services by the person to whom the direction was given, that person shall be guilty of an offence.

(6) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

[F103(7) In this section "relevant enforcing authority" means the enforcing authority responsible for the enforcement of the relevant statutory provisions in relation to the mode of transport to which the direction applies.

(8) In subsection (7)—

"enforcing authority" has the same meaning as in section 18(7) (a) of the Health and Safety at Work etc. Act 1974;

"relevant statutory provisions" has the same meaning as in that Act.]

Textual Amendments

F99 S. 45: transfer of powers (10.5.1997) by S.I. 1997/553, **reg. 10(1)(a)**

F100 Words in s. 45(1) substituted (1.4.2006) by The Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006 (S.I. 2006/557), reg. 1, **Sch. para. 1(3)(a)**

F101 Words in s. 45(4) substituted (1.4.2006) by The Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006 (S.I. 2006/557), reg. 1, **Sch. para. 1(3)(b)(i)**

F102 Word in s. 45(4) substituted (1.4.2006) by The Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006 (S.I. 2006/557), reg. 1, **Sch. para. 1(3)(b)(ii)**

F103 S. 45(7)(8) inserted (1.4.2006) by The Health and Safety (Enforcing Authority for Railways and Other Guided Transport Systems) Regulations 2006 (S.I. 2006/557), reg. 1, **Sch. para. 1(3)(c)**

Modifications etc. (not altering text)

C27 Ss. 41-45: Power to repeal or modify conferred (2.2.1994) by 1993 c. 43, **ss. 117(4)(m)(6)**, 150(1)(e); S.I. 1994/202, **art. 2**
Ss. 41-45 amended (2.2.1994) by 1993 c. 43, **s. 117(1)(6)**(with S.I. 1990/1380, **arts 3**,4); S.I. 1994/202, **art. 2**

Commencement Information

I44 S. 45 wholly in force at 15. 7. 1992 see s. 70 and S.I. 1992/1347, art. 2, **Sch.**

46 Directions requiring insurance.

(1) The Secretary of State may give a direction under this section to an operator of a railway, tramway, trolley vehicle system or system using any other mode of guided transport.

(2) A direction under this section may require the person to whom it is given to ensure that there are at all times in force such policies of insurance against liability in respect of death or personal injury as comply with the requirements of the direction.

(3) Before giving a direction under this section, the Secretary of State shall consult the person to whom he proposes to give it.

(4) If a direction under this section is contravened, the person to whom the direction was given shall be guilty of an offence.

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(5) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Commencement Information

I45 S. 46 wholly in force at 15. 7. 1992 see s. 70 and S.I. 1992/1347, art. 2, **Sch.**

Rail crossings

47 Stopping up and diversion of crossings.

(1) Schedule 2 to this Act (which amends the [M21]Highways Act 1980 so as to provide for the stopping up or diversion of footpaths and bridleways crossing railways and tramways) shall have effect.

(2) Where a public right of way over a footpath [[F104], bridleway or restricted byway] where it crosses a railway or tramway is extinguished by an order under sections 118 to 119A of the Highways Act 1980, any obligation (however imposed) to maintain the crossing for the benefit of the public shall cease to have effect.

[[F105](3) "Restricted byway" has the same meaning as in Part 2 of the Countryside and Rights of Way Act 2000.]

Textual Amendments

F104 Words in s. 47(2) substituted (2.5.2006 for E., 11.5.2006 for W.) by The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), reg. 1(2)(4), **Sch. Pt. I** (see S.I. 2006/1172, art. 2(a)-(d) (with art. 3) and S.I. 2006/1279, art. 2(a)-(d) (with art. 3))

F105 S. 47(3) inserted (E.W.) (2.5.2006 for E., 11.5.2006 for W.) by The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), reg. 1(2)(4), **Sch. Pt. I** (see S.I. 2006/1172, art. 2(a)-(d) (with art. 3) and S.I. 2006/1279, art. 2(a)-(d) (with art. 3))

Modifications etc. (not altering text)

C28 S. 47 applied (E.W.) (2.5.2006 for E., 11.5.2006 for W.) by The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), reg. 1(2)(4), 2(1), **Sch. Pt. I** (see S.I. 2006/1172, art. 2(a)-(d) (with art. 3) and S.I. 2006/1279, art. 2(a)-(d) (with art. 3))

Commencement Information

I46 S. 47 wholly in force; s. 47 not in force at Royal Assent see S. 70(1); s. 47(1) in force for certain purposes at 22. 12. 1992 by S.I. 1992/3144, **art. 2**; s. 47(1)(2) wholly in force at 31. 1. 1993 by S.I. 1992/3144, art. 3, **Sch.**

Marginal Citations

M21 1980 c. 66.

48 Footpaths [[F106], bridleways and restricted byways] over railways.

(1) This section applies where—

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(a) a public right of way over a footpath [F107, bridleway or restricted byway] crosses a railway or tramway otherwise than by a tunnel or bridge,

(b) the operator of the railway or tramway has made a closure or diversion application in respect of the crossing, and

(c) in the opinion of the Secretary of State the crossing constitutes a danger to members of the public using it or likely to use it.

(2) The Secretary of State may by order require the operator to provide a tunnel or a bridge, or to improve an existing tunnel or bridge, to carry the path or way over or under the railway or tramway at or reasonably near to the crossing to which the closure or diversion application relates.

(3) An order under this section may include particulars as to the tunnel or bridge which is to be provided or as to the improvements which are to be made.

(4) The Secretary of State shall not make an order under this section after the end of the period of two years beginning with the day on which the closure or diversion application is made, and not less than two months before making an order he shall give written notice of his proposal to make the order to the operator and to each local authority in whose area the crossing (or any proposed new crossing) is situated.

(5) A notice given under subsection (4) above must be accompanied by a draft of the proposed order under this section; and any order eventually made may include modifications of the draft.

(6) An operator shall not be regarded as in breach of a duty imposed by an order under this section if he has used his best endeavours to comply with the order.

(7) Where an operator is required by an order under this section to provide or improve a bridge or tunnel, but is unable to do so because he does not have the powers or rights (including rights over land) needed for the purpose, he shall not be taken to have used his best endeavours to comply with the order unless he has used his best endeavours to obtain those powers or rights (whether by means of an order under section 1 above or otherwise).

(8) In this section—

"bridleway" has the same meaning as in the Highways Act 1980;

"closure or diversion application" means—

(a) an application made under section 6 above, or

(b) a request made in accordance with section 120(3A)(b) of the M22Highways Act 1980,

for an order by virtue of which a public right of way would be extinguished or diverted;

"footpath" has the same meaning as in the Highways Act 1980;

"local authority" means a county council, a district council, a London borough council, the Common Council of the City of London, [F108, a county borough council,] a parish or community council and a parish meeting of a parish not having a separate parish council;

"operator", in relation to a railway or tramway, means any person carrying on an undertaking which includes maintaining the permanent way.

[F109"restricted byway" has the same meaning as in Part 2 of the Countryside and Rights of Way Act 2000.]

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Textual Amendments

F106 Words in s. 48 sidenote substituted (2.5.2006 for E., 11.5.2006 for W.) by The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), reg. 1(2)(4), **Sch. Pt. I** (see S.I. 2006/1172, art. 2(a)-(d) (with art. 3) and S.I. 2006/1279, art. 2(a)-(d) (with art. 3))

F107 Words in s. 48(1)(a) substituted (2.5.2006 for E., 11.5.2006 for W.) by The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), reg. 1(2)(4), **Sch. Pt. I** (see S.I. 2006/1172, art. 2(a)-(d) (with art. 3) and S.I. 2006/1279, art. 2(a)-(d) (with art. 3))

F108 S. 48: words inserted into definition (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. I para. 34(3)** (with ss. 54(5), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, **art. 3 Sch. 1**

F109 Words in s. 48(8) inserted (E.W.) (2.5.2006 for E., 11.5.2006 for W.) by The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), reg. 1(2)(4), **Sch. Pt. I** (see S.I. 2006/1172, art. 2(a)-(d) (with art. 3) and S.I. 2006/1279, art. 2(a)-(d) (with art. 3))

Modifications etc. (not altering text)

C29 S. 48 applied (E.W.) (2.5.2006 for E., 11.5.2006 for W.) by The Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), reg. 1(2)(4), 2(1), **Sch. Pt. I** (see S.I. 2006/1172, art. 2(a)-(d) (with art. 3) and S.I. 2006/1279, art. 2(a)-(d) (with art. 3))

Commencement Information

I47 S. 48 wholly in force at 31. 1. 1993 see s. 70 and S.I. 1992/3144, art. 3, **Sch.**

Marginal Citations

M22 1980 c. 66.

49 Securing of gates and barriers.

(1) Section 75 of the [M23]Railways Clauses Consolidation Act 1845 and section 68 of the [M24]Railways Clauses Consolidation (Scotland) Act 1845 (which make it an offence for any person to fail to fasten gates) shall be amended as follows.

(2) After the word "gate" there shall be inserted the words " or to lower any barrier ".

(3) For the words "not exceeding" onwards there shall be substituted the words " not exceeding level 3 on the standard scale. "

Commencement Information

I48 S. 49 wholly in force at 15. 7. 1992 see s. 70 and S.I. 1992/1347, art. 2, **Sch.**

Marginal Citations

M23 1845 c. 20.

M24 1845 c. 33.

[F110]50 Orders under Transport Act 1968.

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Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Transport and Works Act 1992 is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F110 S. 50 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 14**

51 Amendment of Level Crossings Act 1983.

—In section 1 of the [M25]Level Crossings Act 1983 (safety arrangements at level crossings) in subsection (11), for the definition of "operator" there shall be substituted—

> ""operator", in relation to a crossing, means any person carrying on an undertaking which includes maintaining the permanent way;"

Commencement Information

I49 S. 51 wholly in force at 31. 1. 1993 see s. 70 and S.I. 1992/3144, art. 3, **Sch.**

Marginal Citations

M25 1983 c. 16.

Signs and barriers at private crossings

52 Placing of signs and barriers.

(1) Subject to any directions under subsection (2) below, the operator of a railway or tramway which is crossed in any place by a private road or path may cause or permit crossing signs or barriers of a character—

(a) prescribed in regulations made by the Secretary of State, or

(b) otherwise authorised by him,

to be placed on or near the road or path near the crossing.

(2) The Secretary of State may give directions to the operator of a railway or tramway which is crossed in any place by a private road or path for the placing of crossing signs or barriers of a character specified in the directions on or near the road or path near the crossing.

(3) For the purposes of this section—

(a) the size and colour of a crossing sign and whether or not it is illuminated (by lighting or the use of reflectors or reflecting material), and

(b) the nature of the warnings, information, requirements, restrictions or prohibitions conveyed by it,

shall be regarded as part of the sign's character.

(4) The power to make regulations under this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) Regulations under this section may make different provision for different cases.

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53 Rights to enter land.

(1) The operator of a railway or tramway shall not enter or do anything on any land for the purpose of exercising his powers under section 52(1) above except—

(a) with the consent of every owner of the land, or

(b) in accordance with an authorisation given by the Secretary of State under subsection (4) below.

(2) Where the operator of a railway or tramway proposes to enter or do anything on any land for the purpose of exercising his powers under section 52(1) above but has not obtained the consent of every owner of the land to his proposals (after making reasonable efforts to do so), he shall serve on every owner whose consent he has not obtained a notice giving details of the proposals and stating that—

(a) he is referring the proposals to the Secretary of State for a decision as to whether or not they should be carried out, and

(b) in making that decision, the Secretary of State will consider any written representations made to him by the owner within the period of forty-two days beginning with the date of the notice.

(3) Where subsection (2) above applies, the operator shall—

(a) submit a copy of every notice served by him under that subsection to the Secretary of State, and

(b) provide the Secretary of State with such further information about the proposals as he may require.

(4) Where proposals are referred to the Secretary of State under this section, he shall after the expiry of the period of forty-two days beginning with the date of the latest notice served under subsection (2) above and after considering any representations made to him in accordance with that subsection—

(a) authorise the operator to carry out the proposals (either without modifications or with such modifications as the Secretary of State may specify), or

(b) direct him not to carry out the proposals,

and shall serve notice of his decision on every owner served with a notice under subsection (2) above.

(5) Any authorisation under subsection (4) above may be given subject to such conditions as the Secretary of State may specify, including conditions that compensation shall be payable by the operator.

(6) Any dispute as to the amount of any compensation payable by virtue of subsection (5) above shall be referred to and determined by the [F111Upper Tribunal] or, in relation to land in Scotland, the Lands Tribunal for Scotland.

(7) The operator of a railway or tramway may enter any land and do anything necessary on it (without the consent of the owners of the land) for the purpose of—

(a) complying with any directions given under section 52(2) above, or

(b) maintaining a crossing sign or barrier lawfully placed on or near a private road or path near a place where it crosses the railway or tramway.

(8) The Secretary of State may enter any land and do anything necessary on it (without the consent of the owners of the land) for the purpose of exercising his powers under section 54(1) below.

(9) In this section "owner"—

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(a) in relation to any land in England and Wales, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple (whether in possession or reversion) and includes also a person holding, or entitled to the rents and profits of, the land under a tenancy, other than a tenancy for a month or any period less than a month;

(b) in relation to any land in Scotland, means a person who, under the Land Clauses Acts, would be entitled to sell and convey land to the promoters of an undertaking and includes also a person who is or would be entitled to receive the rent of the land under a tenancy, other than a tenancy for a month or any period less than a month.

Textual Amendments

F111 Words in s. 53(6) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 1, **Sch. 1 para. 243** (with Sch. 5)

54 Default powers of Secretary of State.

(1) If the operator of a railway or tramway fails—

(a) to comply with a direction given under section 52(2) above, or

(b) to maintain a crossing sign or barrier lawfully placed on or near a private road or path near a place where it crosses the railway or tramway,

the Secretary of State may himself carry out the work required by the direction or necessary to maintain the crossing sign or barrier.

(2) Any expenses incurred by the Secretary of State in doing so shall be recoverable by him from the operator.

(3) A direction given under section 52(2) above—

(a) if relating to a private road or path in England and Wales, shall be enforceable on the application of the Secretary of State by an order of mandamus;

(b) if relating to a private road or path in Scotland, shall be enforceable by order of the Court of Session on an application by [F112the appropriate Law Officer within the meaning of section 4A of the Crown Suits (Scotland) Act 1857]under section 45 of the M26 Court of Session Act 1988.

Textual Amendments

F112 Words in s. 54(3)(b) inserted (20.5.1999) by S.I. 1999/1042, art. 4, **Sch. 2 Pt. I para. 9**

Marginal Citations

M26 1988 c. 36.

55 Offence of failing to comply with sign.

(1) A person who fails to comply with any requirement, restriction or prohibition conveyed by a crossing sign lawfully placed on or near a private road or path near a place where it crosses a railway or tramway shall be guilty of an offence.

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(2) In any proceedings for an offence under this section, a crossing sign on or near a private road or path near a place where it crosses a railway or tramway shall be taken to have been lawfully placed there unless the contrary is proved.

(3) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

56 Interpretation of sections 52 to 55.

(1) In sections 52 to 55 above (and this section)—

"barrier" includes gate;

"cross" means cross otherwise than by tunnel or bridge;

"crossing sign", in relation to a private road or path and any place where it crosses a railway or tramway, means—

(a) any object or device (whether fixed or portable), or

(b) any line or mark on the road or path,

for conveying to users of the road or path warnings, information, requirements, restrictions or prohibitions relating to the crossing;

"fail" includes refuse;

"lawfully placed" means placed in accordance with sections 52 to 54 above;

"maintain" includes repair and replace;

"place" includes erect and (in relation to a sign) display;

"private road or path" means any length of road or path to which the public does not have access.

(2) In the case of a railway or tramway which has more than one operator, the powers conferred by sections 52 to 54 above shall only be exercisable by or in relation to the operator carrying on the undertaking which includes maintaining the permanent way.

CHAPTER III

SUPPLEMENTARY

57 Duty to consult.

It shall be the duty of the Secretary of State, before he makes regulations under section 32, 38(2), 41 or 43 above, to consult such organisations as he considers to be representative of persons who will be affected by the regulations.

Modifications etc. (not altering text)

C30 Ss. 57, 58 amended (2.2.1994) by 1993 c. 43, **s. 117(5)(6)**; S.I. 1994/202, **art. 2**

Commencement Information

I50 S. 57 wholly in force at 15. 7. 1992 see s. 70 and S.I. 1992/1347, art. 2, **Sch.**

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58 Prosecutions.

No proceedings shall be instituted in England and Wales in respect of an offence under this Part except by or with the consent of the Secretary of State or the Director of Public Prosecutions.

Modifications etc. (not altering text)
C31 Ss. 57, 58 amended (2.2.1994) by 1993 c. 43, **s. 117(5)(6)**; S.I. 1994/202, **art. 2**

Commencement Information
I51 S. 58 wholly in force at 15. 7. 1992 see s. 70 and S.I. 1992/1347, art. 2, **Sch.**

59 Offences by bodies corporate etc.

(1) Where an offence under this Part committed by a body corporate is committed with the consent or connivance of, or is attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body, or a person purporting to act in such a capacity, he as well as the body corporate shall be guilty of the offence.

(2) In subsection (1) above "director", in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(3) Where, in Scotland, an offence under this Part committed by a partnership or by an unincorporated association other than a partnership is committed with the consent or connivance of, or is attributable to any neglect on the part of, a partner in the partnership or (as the case may be) a person concerned in the management or control of the association, he, as well as the partnership or association, shall be guilty of the offence.

Commencement Information
I52 S. 59 wholly in force at 15. 7. 1992 see s. 70 and S.I. 1992/1347, art. 2, **Sch.**

PART III

MISCELLANEOUS AND GENERAL

Tramways

60 Powers of leasing.

(1) A person authorised by or under an enactment to operate a tramway ("the lessor") may with the consent of the Secretary of State grant to another person ("the lessee"), for a period agreed between the lessor and the lessee, the right to operate the tramway (or any part of it) and such related statutory rights as may be so agreed.

(2) The terms of any agreement made by virtue of subsection (1) above shall be subject to the approval of the Secretary of State.

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(3) Where an agreement is made by virtue of subsection (1) above, references in any enactment to the lessor shall, if and to the extent that the agreement so provides, have effect as references to the lessee.

(4) This section shall apply only to tramways in operation at the passing of this Act.

Commencement Information

I53 S. 60 wholly in force at 15. 7. 1992 see s. 70 and S.I. 1992/1347, art. 2, **Sch.**

61 Amendment of Public Passenger Vehicles Act 1981.

(1) The [M27]Public Passenger Vehicles Act 1981 shall be amended as follows.

(2) In section 24 (regulation of conduct of drivers, inspectors and conductors)—

(a) at the end of subsection (1) there shall be added the words "and

(c) drivers, inspectors and conductors of tramcars";

(b) in subsection (2), after the word "driver" there shall be inserted the words " of a public service vehicle ".

(3) In section 25(1) (regulation of conduct of passengers) after the words "public service vehicles" there shall be inserted the words " or tramcars ", and after the words "public service vehicle" wherever they occur there shall be inserted the words " or tramcar ".

(4) In section 27(1) (returns to be provided by persons operating public service vehicles) after the words "public service vehicles" there shall be inserted the words " or tramcars ".

(5) In section 60(1) (general power to make regulations)—

(a) at the end of paragraph (j) (carriage of luggage and goods on public service vehicles) there shall be added the words " or tramcars ";

(b) in paragraph (k) (custody of property left on a public service vehicle) after the word "vehicle" there shall be inserted the words " or tramcar ".

(6) After subsection (1A) of section 60 there shall be inserted—

"(1B) Regulations made under any provision of this Act and applying to tramcars may amend or exclude any provision of an Act or instrument of local application whose subject-matter is the same as that of the regulations."

Commencement Information

I54 S. 61 wholly in force at 31. 1. 1993 see s. 70 and S.I. 1992/3144, art. 3, **Sch.**

Marginal Citations

M27 1981 c. 14.

62 Exclusion of hackney carriage legislation.

(1) In section 4 of the [M28]Metropolitan Public Carriage Act 1869 (interpretation) in the definition of "hackney carriage", for the words "not a stage carriage" there shall be substituted the words " neither a stage carriage nor a tramcar ".

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F113(2) . . . . . .

(3) In section 80 of the M29Local Government (Miscellaneous Provisions) Act 1976 (interpretation) in subsection (1) in the definition of "private hire vehicle", after the words "London cab" there shall be inserted the words " or tramcar ".

Textual Amendments

F113 S. 62(2) repealed (1.6.2003) by Private Hire Vehicles (London) Act 1998 (c. 34), s. 40(2), **Sch. 2** (with s. 29); S.I. 2003/580, arts. 1(2), 2(2)(b)

Marginal Citations

M28 1869 c. 115.
M29 1976 c. 57.

Harbours

63 Harbours.

(1) The M30Harbours Act 1964 shall have effect with the amendments set out in Schedule 3 to this Act.

(2) In section 37 of the M31Docks and Harbours Act 1966 (which gives to harbour authorities powers to acquire harbour businesses, and to subscribe for or acquire securities of bodies engaged, or to be engaged, in harbour businesses)—

(a) in subsection (1), for the words "harbour operations" and the words "such operations" there shall be substituted the words " activities relating to harbours ";

(b) in subsection (2), for the words "harbour operations" there shall be substituted the words " activities relating to harbours ";

(c) after subsection (2) there shall be inserted—

"(2A) Nothing in subsection (2) above shall be construed as authorising a harbour authority to delegate to another body any function that it could not delegate apart from that subsection."

(d) subsection (3) shall be omitted.

(3) In section 35 of the M32Coast Protection Act 1949 (which excepts certain operations from the requirement to obtain the Secretary of State's consent under section 34) in subsection (1) there shall be added after paragraph (h)—

"(i) any operations authorised by an order under section 14 or 16 of the Harbours Act 1964."

Commencement Information

I55 S. 63 wholly in force at 15. 7. 1992 (subject to restrictions affecting certain Orders) see s. 70 and S.I. 1992/1347, arts. 2, 3, **Sch.**

Marginal Citations

M30 1964 c. 40.
M31 1966 c. 28.

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M32 1949 c. 74.

Miscellaneous

64 Maintenance of footpaths and bridleways.

(1) Section 36 of the [M33]Highways Act 1980 (highways maintainable at public expense) shall be amended as follows.

(2) In subsection (2), at the end of paragraph (c), the word "and" shall be omitted.

(3) After paragraph (d) of subsection (2), there shall be added—

"(e) a highway, being a footpath or bridleway, created in consequence of a rail crossing diversion order, or of an order made under section 14 or 16 of the Harbours Act 1964, or of an order made under section 1 or 3 of the Transport and Works Act 1992."

(4) After subsection (3) there shall be inserted—

"(3A) Paragraph (e) of subsection (2) above shall not apply to a footpath or bridleway, or to any part of a footpath or bridleway, which by virtue of an order of a kind referred to in that subsection is maintainable otherwise than at the public expense."

Commencement Information
I56 S. 64 wholly in force at 31. 1. 1993 see s. 70 and S.I. 1992/3144, art. 3, **Sch.**

Marginal Citations
M33 1980 c. 66.

65 Certain enactments to cease to have effect.

(1) The following enactments shall cease to have effect—

(a) the [M34]General Pier and Harbour Act 1861;

(b) in the [M35]Tramways Act 1870—

section 3 (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order),

sections 4 to 21,

sections 22 to 24 (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order),

in section 25, the words from the beginning to "surface of the road" (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order),

in section 25, the words "and shall not be opened" onwards,

sections 26 to 40 (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order),

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sections 41 and 42,

sections 43 to 47 (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order),

section 48,

sections 49 to 64 (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order),

Parts I and II of Schedule A (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order),

Part III of Schedule A,

Schedule B, and

Schedule C (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order);

(c) the [M36]Military Tramways Act 1887;

(d) the [M37]Railways (Electrical Power) Act 1903;

(e) the [M38]Fishery Harbours Act 1915;

(f) section 220(1)(a) of the [M39]Insolvency Act 1986.

(2) In the [M40]Coast Protection Act 1949, in sections 2(8)(a) and 17(8)(b), for the words "to which the Fishery Harbours Act 1915 applies" there shall be substituted the words "which is a fishery harbour for the purposes of section 21 of the [M41]Sea Fish Industry Act 1951".

Commencement Information

I57 S. 65 partly in force; s. 65 not in force at Royal Assent see s. 70(1); s. 65(1)(a)(e)(2) in force at 15. 7. 1992 by S.I. 1992/1347, art. 2, **Sch.**; s. 65(1)(c)(d)(f) in force and s. 65(1)(b) partly in force at 1. 1. 1993 by S.I. 1992/2784, art. 2, **Sch. 1**; s. 65(1)(b) partly in force at 5.4.1994 by S.I. 1994/718, art. 2, **Sch.**; s. 65(1)(b) s. 65(1)(b) partly in force at 8.7.1996 by S.I. 1996/1609, art. 2, **Sch.**

Marginal Citations

M34 1861 c. 45.
M35 1870 c. 78.
M36 1887 c. 65.
M37 1903 c. 30.
M38 1915 c. 48.
M39 1986 c. 45.
M40 1949 c. 74.
M41 1951 c. 30.

General

66 Service of notices.

(1) A notice or other document required or authorised to be served for the purposes of this Act may be served by post.

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(2) Where the person on whom a notice or other document to be served for the purposes of this Act is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.

(3) For the purposes of section 7 of the [M42]Interpretation Act 1978 as it applies for the purposes of this section, the proper address of any person in relation to the service on him of a notice or document under subsection (1) above is, if he has given an address for service, that address, and otherwise—

(a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body;

(b) in any other case, his last known address at the time of service.

(4) Where for the purposes of this Act a notice or other document is required or authorised to be served on a person as having any interest in, or as the occupier of, land and his name or address cannot be ascertained after reasonable inquiry, the notice may be served by—

(a) addressing it to him by name or by the description of "owner", or as the case may be "occupier", of the land (describing it), and

(b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on the land.

(5) This section shall not be taken to exclude the employment of any method of service not expressly provided for by it.

(6) This section shall not apply to anything required or authorised to be served under section 35 above.

Commencement Information

I58 S. 66 wholly in force at 15. 7. 1992 see s. 70 and S.I. 1992/1347, art. 2, **Sch.**

Marginal Citations

M42 1978 c. 30.

PROSPECTIVE

67 Interpretation.

(1) In this Act, except where the context otherwise requires—

"carriageway" has the same meaning as in the [M43]Highways Act 1980, or in Scotland the [M44]Roads (Scotland) Act 1984;

"guided transport" means transport by vehicles guided by means external to the vehicles (whether or not the vehicles are also capable of being operated in some other way);

"inland waterway" includes both natural and artificial waterways, and waterways within parts of the sea that are in Great Britain, but not any waterway managed or maintained by a person who is a harbour authority (within the meaning of the [M45]Harbours Act 1964) in relation to the waterway;

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"operator", in relation to a transport system, means any person carrying on an undertaking which includes the system or any part of it or the provision of transport services on the system;

"railway" means a system of transport employing parallel rails which—

(a) provide support and guidance for vehicles carried on flanged wheels, and

(b) form a track which either is of a gauge of at least 350 millimetres or crosses a carriageway (whether or not on the same level),

but does not include a tramway;

"street" means—

(a) in England and Wales, a street within the meaning of section 48 of the [M46]New Roads and Street Works Act 1991, together with land on the verge of a street or between two carriageways;

(b) in Scotland, a road within the meaning of section 107 of the New Roads and Street Works Act 1991, together with land on the verge of a road or between two carriageways;

"tramway" means a system of transport used wholly or mainly for the carriage of passengers and employing parallel rails which—

(a) provide support and guidance for vehicles carried on flanged wheels, and

(b) are laid wholly or mainly along a street or in any other place to which the public has access (including a place to which the public has access only on making a payment);

"trolley vehicle system" means a system of transport by vehicles constructed or adapted for use on roads without rails under electric power transmitted to them by overhead wires (whether or not there is in addition a source of power on board the vehicles);

"vehicle" includes mobile traction unit.

(2) References in this Act to rights over land include references to rights to do, or to place and maintain, anything in, on or under land or in the air-space above its surface.

Modifications etc. (not altering text)

C32 Definition in s. 67(1) applied (12.1.2000) by 1999 c. 29, **s. 239(1)** (with Sch 12 para 9(1))
Definition in s. 67(1) applied (*prosp.*) by 1999 c. 29, **ss. 163(8)**, 425(2) (with Sch. 12 para 9(1))
Definition in s. 67(1) applied (*prosp.*) by 1999 c. 29, **ss. 207(8)**, 425(2) (with Sch. 12 para 9(1))
Definition in s. 67(1) applied (*prosp.*) by 1999 c. 29, ss. 245, 425(2), **Sch. 17 para. 9(11)** (with Sch. 12 para. 9(1))

Commencement Information

I59 S. 67 wholly in force at 15. 7. 1992 see s. 70 and S.I. 1992/1347, art. 2, **Sch.**

Marginal Citations

M43 1980 c. 66.
M44 1984 c. 54.
M45 1964 c. 40.
M46 1991 c. 22.

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68 Repeals.

(1) The enactments mentioned in Schedule 4 to this Act (which include spent enactments) are hereby repealed to the extent specified in the third column of that Schedule.

(2) The repeal by this Act of the [M47]Notice of Accidents Act 1894 shall not affect section 75 of the [M48]Civil Aviation Act 1982 (by virtue of which regulations may include provisions applying section 3 of the 1894 Act).

Commencement Information

I60 S. 68 partly in force; s. 68 not in force at Royal Assent see s. 70(1); s. 68(1) in force at 15. 7. 1992 in so far as it relates to specified provisions of Sch. 4 (subject to restrictions affecting certain Orders) by S.I. 1992/1347, arts. 2, 3, **Sch.**;
S. 68(1) in force at 7. 12. 1992 in so far as it relates to specified provisions of Sch. 4 by S.I. 1992/2043, **art. 2(b)(c)**;
S. 68 in force at 1. 1. 1993 in so far as it relates to specified provisions of Sch. 4 by S.I. 1992/2784, art. 2, Schs. 1, **2**;
S. 68(1) in force at 31. 1. 1993 in so far as it relates to specified provisions of Sch. 4 by S.I. 1992/3144, art. 3, **Sch.**;
S. 68(1) in force at 5.4.1994 in so far as it relates to specified provisions of Sch. 4 by S.I. 1994/718, art. 2, **Sch.**;
S. 68(1) in force at 8.7.1996 in so far as it relates to specified provisions of Sch. 4 by S.I. 1996/1609, art. 2, **Sch.**;
S. 68(1) in force at 26.2.1998 in so far as it relates to specified provisions of Sch. 4 by S.I. 1998/274, art. 2, **Sch.**

Marginal Citations

M47 1894 c. 28.
M48 1982 c. 16.

69 Expenses.

There shall be paid out of money provided by Parliament—

(a) any expenses incurred by the Secretary of State under this Act, and

(b) any increase attributable to this Act in the sums payable out of money so provided under any other enactment.

Commencement Information

I61 S. 69 wholly in force at 15. 7. 1992 see s. 70 and S.I. 1992/1347, art. 2, **Sch.**

70 Commencement.

(1) The preceding sections of, and the Schedules to, this Act shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument; and different days may be appointed for different purposes.

(2) An order under subsection (1) above may include such transitional provisions and savings as appear to the Secretary of State to be necessary or expedient.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Transport and Works Act 1992 is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Subordinate Legislation Made

P1 S. 70 power partly exercised (8. 6. 1992): 15. 7. 1992 appointed for specified provisions by S.I. 1992/1347, art. 2, **Sch.**
S. 70 power partly exercised (27. 8. 1992): 7. 12. 1992 appointed for specified provisions by S.I. 1992/2043, **art. 2.**
S. 70 power partly exercised (6. 11. 1992): 1. 1. 1993 appointed for specified provisions by S.I. 1992/2784, art. 2, Schs. 1, **2.**
S. 70 power partly exercised (1. 12. 1992): 22. 12. 1992 and 31. 1. 1993 appointed for specified provisions by S.I. 1992/3144, arts. 2, 3, **Sch.**

71 Extent.

This Act shall not extend to Northern Ireland.

72 Short title.

This Act may be cited as the Transport and Works Act 1992.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Transport and Works Act 1992 is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULES

SCHEDULE 1

Section 5.

MATTERS WITHIN SECTIONS 1 AND 3

Commencement Information
I62 Sch. 1 wholly in force at 1. 1. 1993 see s. 70 and S.I. 1992/2784, art. 2(a), **Sch. 1**

1 The construction, alteration, repair, maintenance, demolition and removal of railways, tramways, trolley vehicle systems and other transport systems within section 1(1) of this Act, waterways, roads, watercourses, buildings and other structures.

Commencement Information
I63 Sch. 1 wholly in force at 1.1.1993 see s. 70 and S.I. 1992/2784, art. 2(a), **Sch. 1**

2 The carrying out of any other civil engineering or other works.

Commencement Information
I64 Sch. 1 wholly in force at 1.1.1993 see s. 70 and S.I. 1992/2784, art. 2(a), **Sch. 1**

3 The acquisition of land, whether compulsorily or by agreement.

Commencement Information
I65 Sch. 1 wholly in force at 1.1.1993 see s. 70 and S.I. 1992/2784, art. 2(a), **Sch. 1**

4 The creation and extinguishment of rights over land (including rights of navigation over water), whether compulsorily or by agreement.

Commencement Information
I66 Sch. 1 wholly in force at 1.1.1993 see s. 70 and S.I. 1992/2784, art. 2(a), **Sch. 1**

5 The abrogation and modification of agreements relating to land.

Commencement Information
I67 Sch. 1 wholly in force at 1.1.1993 see s. 70 and S.I. 1992/2784, art. 2(a), **Sch. 1**

6 The conferring on persons providing transport services of rights to use systems belonging to others.

Status: *This version of this Act contains provisions that are prospective.*
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Commencement Information
I68 Sch. 1 wholly in force at 1.1.1993 see s. 70 and S.I. 1992/2784, art. 2(a), **Sch. 1**

7 The protection of the property or interests of any person.

Commencement Information
I69 Sch. 1 wholly in force at 1.1.1993 see s. 70 and S.I. 1992/2784, art. 2(a), **Sch. 1**

8 The imposition and exclusion of obligations or of liability in respect of any acts or omissions.

Commencement Information
I70 Sch. 1 wholly in force at 1.1.1993 see s. 70 and S.I. 1992/2784, art. 2(a), **Sch. 1**

9 The making of agreements to secure the provision of police services.

Commencement Information
I71 Sch. 1 wholly in force at 1.1.1993 see s. 70 and S.I. 1992/2784, art. 2(a), **Sch. 1**

10 The carrying out of surveys and the taking of soil samples.

Commencement Information
I72 Sch. 1 wholly in force at 1.1.1993 see s. 70 and S.I. 1992/2784, art. 2(a), **Sch. 1**

11 The payment of compensation.

Commencement Information
I73 Sch. 1 wholly in force at 1.1.1993 see s. 70 and S.I. 1992/2784, art. 2(a), **Sch. 1**

12 The charging of tolls, fares (including penalty fares) and other charges, and the creation of summary offences in connection with non-payment (or in connection with a person's failure to give his name or address in accordance with provisions relating to penalty fares).

Commencement Information
I74 Sch. 1 wholly in force at 1.1.1993 see s. 70 and S.I. 1992/2784, art. 2(a), **Sch. 1**

13 The making of byelaws by any person and their enforcement, including the creation of summary offences.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Transport and Works Act 1992 is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information
I75 Sch. 1 wholly in force at 1.1.1993 see s. 70 and S.I. 1992/2784, art. 2(a), **Sch. 1**

14 The payment of rates.

Commencement Information
I76 Sch. 1 wholly in force at 1.1.1993 see s. 70 and S.I. 1992/2784, art. 2(a), **Sch. 1**

15 The transfer, leasing, discontinuance and revival of undertakings.

Commencement Information
I77 Sch. 1 wholly in force at 1.1.1993 see s. 70 and S.I. 1992/2784, art. 2(a), **Sch. 1**

16 The submission of disputes to arbitration.

Commencement Information
I78 Sch. 1 wholly in force at 1.1.1993 see s. 70 and S.I. 1992/2784, art. 2(a), **Sch. 1**

17 The imposition of requirements to obtain the consent of the Secretary of State.

Commencement Information
I79 Sch. 1 wholly in force at 1.1.1993 see s. 70 and S.I. 1992/2784, art. 2(a), **Sch. 1**

SCHEDULE 2

Section 47.

STOPPING UP AND DIVERSION OF RAIL CROSSINGS

Commencement Information
I80 Sch. 2 wholly in force; Sch. 2 not in force at Royal Assent see s. 70(1); Sch. 2 in force for certain purposes at 22.12.1992 and wholly in force at 31.1.1993 by S.I. 1992/3144, arts. 2, 3, **Sch.**

1 The [M49]Highways Act 1980 shall be amended as follows.

Commencement Information
I81 Sch. 2 wholly in force; Sch. 2 not in force at Royal Assent see s. 70(1); Sch. 2 in force for certain purposes at 22. 12. 1992 and wholly in force at 31. 1. 1993 by S.I. 1992/3144, arts. 2, 3, **Sch.**

Marginal Citations
M49 1980 c. 66.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Transport and Works Act 1992 is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

2 (1) Section 118 (stopping up of footpaths and bridleways) shall be amended as follows.

(2) In subsection (5), for—

(a) the words "or public path diversion order made under section 119 below", and

(b) the words "or the public path diversion order",

there shall be substituted the words " , public path diversion order or rail crossing diversion order ".

(3) In subsection (7), for "119" there shall be substituted " 118A ".

Commencement Information

I82 Sch. 2 wholly in force; Sch. 2 not in force at Royal Assent see s. 70(1); Sch. 2 in force for certain purposes at 22. 12. 1992 and wholly in force at 31. 1. 1993 by S.I. 1992/3144, arts. 2, 3, **Sch.**

3 After section 118 there shall be inserted—

"118A Stopping up of footpaths and bridleways crossing railways.

(1) This section applies where it appears to a council expedient in the interests of the safety of members of the public using it or likely to use it that a footpath or bridleway in their area which crosses a railway, otherwise than by tunnel or bridge, should be stopped up.

(2) Where this section applies, the council may by order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed order, extinguish the public right of way over the path or way—

(a) on the crossing itself, and

(b) for so much of its length as they deem expedient from the crossing to its intersection with another highway over which there subsists a like right of way (whether or not other rights of way also subsist over it).

(3) An order under this section is referred to in this Act as a "rail crossing extinguishment order".

(4) The Secretary of State shall not confirm a rail crossing extinguishment order, and a council shall not confirm such an order as an unopposed order, unless he or, as the case may be, they are satisfied that it is expedient to do so having regard to all the circumstances, and in particular to—

(a) whether it is reasonably practicable to make the crossing safe for use by the public, and

(b) what arrangements have been made for ensuring that, if the order is confirmed, any appropriate barriers and signs are erected and maintained.

(5) Before determining to make a rail crossing extinguishment order on the representations of the operator of the railway crossed by the path or way, the council may require him to enter into an agreement with them to defray, or to make such contribution as may be specified in the agreement towards, any expenses which the council may incur in connection with the erection or maintenance of barriers and signs.

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Changes to legislation: *Transport and Works Act 1992 is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(6) A rail crossing extinguishment order shall be in such form as may be prescribed by regulations made by the Secretary of State and shall contain a map, on such scale as may be so prescribed, defining the land over which the public right of way is thereby extinguished.

(7) Schedule 6 to this Act has effect as to the making, confirmation, validity and date of operation of rail crossing extinguishment orders.

(8) In this section—

"operator", in relation to a railway, means any person carrying on an undertaking which includes maintaining the permanent way;

"railway" includes tramway but does not include any part of a system where rails are laid along a carriageway."

Commencement Information

I83 Sch. 2 wholly in force; Sch. 2 not in force at Royal Assent see s. 70(1); Sch. 2 in force for certain purposes at 22. 12. 1992 and wholly in force at 31. 1. 1993 by S.I. 1992/3144, arts. 2, 3, **Sch.**

4 After section 119 (diversion of footpaths and bridleways) there shall be inserted—

"119A Diversion of footpaths and bridleways crossing railways.

(1) This section applies where it appears to a council expedient in the interests of the safety of members of the public using it or likely to use it that a footpath or bridleway in their area which crosses a railway, otherwise than by tunnel or bridge, should be diverted (whether on to land of the same or of another owner, lessee or occupier).

(2) Where this section applies, the council may by order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed order—

(a) create, as from such date as may be specified in the order, any such new path or way as appears to the council requisite for effecting the diversion, and

(b) extinguish, as from such date as may be so specified, the public right of way over the crossing and over so much of the path or way of which the crossing forms part as appears to the council requisite as aforesaid.

(3) An order under this section is referred to in this Act as a "rail crossing diversion order".

(4) The Secretary of State shall not confirm a rail crossing diversion order, and a council shall not confirm such an order as an unopposed order, unless he or, as the case may be, they are satisfied that it is expedient to do so having regard to all the circumstances, and in particular to—

(a) whether it is reasonably practicable to make the crossing safe for use by the public, and

(b) what arrangements have been made for ensuring that, if the order is confirmed, any appropriate barriers and signs are erected and maintained.

Status: *This version of this Act contains provisions that are prospective.*
Changes to legislation: *Transport and Works Act 1992 is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) A rail crossing diversion order shall not alter a point of termination of a path or way diverted under the order—

(a) if that point is not on a highway over which there subsists a like right of way (whether or not other rights of way also subsist over it), or

(b) (where it is on such a highway) otherwise than to another point which is on the same highway, or another such highway connected with it.

(6) A rail crossing diversion order may make provision requiring the operator of the railway to maintain all or part of the footpath or bridleway created by the order.

(7) Where it appears to the council that work requires to be done to provide necessary facilities for the convenient exercise of any such new right of way as is mentioned in subsection (2)(a) above, the date specified under subsection (2)(b) shall be later than the date specified under subsection (2)(a) by such time as appears to the council requisite for enabling the work to be carried out.

(8) Before determining to make a rail crossing diversion order on the representations of the operator of the railway crossed by the path or way, the council may require him to enter into an agreement with them to defray, or to make such contribution as may be specified in the agreement towards,—

(a) any compensation which may become payable under section 28 above as applied by section 121(2) below;

(b) any expenses which the council may incur in connection with the erection or maintenance of barriers and signs;

(c) where the council are the highway authority for the path or way in question, any expenses which they may incur in bringing the new site of the path or way into fit condition for use by the public;

(d) where the council are not the highway authority, any expenses which may become recoverable from them by the highway authority under the provisions of section 27(2) above as applied by subsection (11) below.

(9) A rail crossing diversion order shall be in such form as may be prescribed by regulations made by the Secretary of State and shall contain a map, on such scale as may be so prescribed—

(a) showing the existing site of so much of the line of the path or way as is to be diverted by the order and the new site to which it is to be diverted,

(b) indicating whether a new right of way is created by the order over the whole of the new site or whether some part of it is already comprised in a footpath or bridleway, and

(c) where some part of the new site is already so comprised, defining that part.

(10) Schedule 6 to this Act has effect as to the making, confirmation, validity and date of operation of rail crossing diversion orders.

(11) Section 27 above (making up of new footpaths and bridleways) applies to a footpath or bridleway created by a rail crossing diversion order with the substitution, for references to a public path creation order, of references to

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a rail crossing diversion order and, for references to section 26(2) above, of references to section 120(3) below.

(12) In this section and in section 120 below—

"operator", in relation to a railway, means any person carrying on an undertaking which includes maintaining the permanent way;

"railway" includes tramway but does not include any part of a system where rails are laid along a carriageway."

Commencement Information

I84 Sch. 2 wholly in force; Sch. 2 not in force at Royal Assent see s. 70(1); Sch. 2 in force for certain purposes at 22. 12. 1992 and wholly in force at 31. 1. 1993 by S.I. 1992/3144, arts. 2, 3, **Sch.**

5 (1) Section 120 (exercise of powers of making public path extinguishment and diversion orders) shall be amended as follows.

(2) In subsection (1), for the words "and 119" there shall be substituted the words " to 119A ".

(3) In subsection (2), for the words from "public path extinguishment" to "and 119" there shall be substituted the words " orders under sections 118 to 119A ".

(4) In subsection (3)—

(a) after "118(1)" there shall be inserted " or 118A(1) or 119A(1) ";

(b) after the words "stopped up" there shall be inserted the words " or diverted ";

(c) after the words "extinguishment order" there shall be added the words " , a rail crossing extinguishment order, a rail crossing diversion order ";

(d) for the words "and 119" there shall be substituted the words " to 119A ";

(e) after the word "consultation" there shall be inserted the words " (subject to subsection (3A) below) ".

(5) After subsection (3) there shall be inserted—

"(3A) Where—

(a) the operator of a railway makes a request to a council to make an order under section 118A or 119A above in respect of a crossing over the railway,

(b) the request is in such form and gives such particulars as are prescribed by regulations made by the Secretary of State, and

(c) the council have neither confirmed the order nor submitted it to the Secretary of State within 6 months of receiving the request,

the power conferred on the Secretary of State by subsection (3) above may be exercised without consultation with the council."

(6) In subsection (4), after the words "public path diversion order" there shall be inserted the words " or a rail crossing diversion order ".

(7) In subsection (5)—

(a) for the words "he may require the owner, lessee or occupier" there shall be substituted the words " or, on the representations of the operator of the railway concerned, a rail crossing diversion order, he may require the person ";

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(b) for the words "for the owner, lessee or occupier" there shall be substituted the words " for that person ";

(c) after "119(5)" there shall be inserted the words " , or as the case may be 119A(8), ".

Commencement Information

I85 Sch. 2 wholly in force; Sch. 2 not in force at Royal Assent see s. 70(1); Sch. 2 in force for certain purposes at 22. 12. 1992 and wholly in force at 31. 1. 1993 by S.I. 1992/3144, arts. 2, 3, **Sch.**

6 (1) Section 121 (supplementary provisions) shall be amended as follows.

(2) In subsection (1)—

(a) for the words "or a public path diversion order" there shall be substituted the words " , a rail crossing extinguishment order, a public path diversion order or a rail crossing diversion order ";

(b) after the words "and a public path diversion order" there shall be added the words " or a rail crossing diversion order ".

(3) In subsection (2), for the words "and to public path diversion orders" there shall be substituted the words " , rail crossing extinguishment orders, public path diversion orders and rail crossing diversion orders ".

(4) In subsection (3), for the words "and public path diversion orders" there shall be substituted the words " , rail crossing extinguishment orders, public path diversion orders and rail crossing diversion orders ".

(5) In subsection (4), for the words "or a public path diversion order" there shall be substituted the words " , a rail crossing extinguishment order, a public path diversion order or a rail crossing diversion order ".

Commencement Information

I86 Sch. 2 wholly in force; Sch. 2 not in force at Royal Assent see s. 70(1); Sch. 2 in force for certain purposes at 22. 12. 1992 and wholly in force at 31. 1. 1993 by S.I. 1992/3144, arts. 2, 3, **Sch.**

7 In section 293 (powers of entry for purposes connected with certain orders relating to footpaths and bridleways) in subsection (1) for the words "or a public path diversion order" there shall be substituted the words " , a rail crossing extinguishment order, a public path diversion order or a rail crossing diversion order ".

Commencement Information

I87 Sch. 2 wholly in force; Sch. 2 not in force at Royal Assent see s. 70(1); Sch. 2 in force for certain purposes at 22. 12. 1992 and wholly in force at 31. 1. 1993 by S.I. 1992/3144, arts. 2, 3, **Sch.**

8 In section 325 (provisions as to regulations, schemes and orders) in subsection (2) (a), after the word "section", there shall be inserted the words " 120(3A) or ".

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Changes to legislation: *Transport and Works Act 1992 is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I88 Sch. 2 wholly in force; Sch. 2 not in force at Royal Assent see s. 70(1); Sch. 2 in force for certain purposes at 22. 12. 1992 and wholly in force at 31. 1. 1993 by S.I. 1992/3144, arts. 2, 3, **Sch.**

9 In section 329(1) (interpretation) after the definition of "rack rent" there shall be inserted—

""rail crossing diversion order" means an order under section 119A above;

"rail crossing extinguishment order" means an order under section 118A above;."

Commencement Information

I89 Sch. 2 wholly in force; Sch. 2 not in force at Royal Assent see s. 70(1); Sch. 2 in force for certain purposes at 22. 12. 1992 and wholly in force at 31. 1. 1993 by S.I. 1992/3144, arts. 2, 3, **Sch.**

10 (1) Schedule 6 shall be amended as follows.

(2) In paragraph 1—

(a) in sub-paragraphs (1) and (2) for the words "or a public path diversion order" there shall be substituted the words " , a rail crossing extinguishment order, a public path diversion order or a rail crossing diversion order ";

(b) in sub-paragraph (3A) for the words "and public path diversion orders" there shall be substituted the words " , rail crossing extinguishment orders, public path diversion orders and rail crossing diversion orders ";

(c) in sub-paragraph (3B) for the words "and draft public path diversion orders" there shall be substituted the words " , draft rail crossing extinguishment orders, draft public path diversion orders and draft rail crossing diversion orders ".

(3) In paragraph 2A(1), after the words "shall, except in" there shall be inserted the words " the case of a rail crossing extinguishment order, the case of a rail crossing diversion order and ".

(4) In paragraph 3(2)—

(a) after the words "public path extinguishment order" there shall be inserted the words " or a rail crossing extinguishment order ";

(b) for the words "or a public path diversion order" there shall be substituted the words " , a public path diversion order or a rail crossing diversion order ".

Commencement Information

I90 Sch. 2 wholly in force; Sch. 2 not in force at Royal Assent see s. 70(1); Sch. 2 in force for certain purposes at 22. 12. 1992 and wholly in force at 31. 1. 1993 by S.I. 1992/3144, arts. 2, 3, **Sch.**

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SCHEDULE 3

Section 63.

[M50]AMENDMENT OF HARBOURS ACT 1964

Commencement Information

I91 Sch. 3 wholly in force at 15. 7. 1992 see s. 70 and S.I. 1992/1347, art. 2, **Sch.**

Marginal Citations

M50 1964 c. 40.

1 (1) Section 14 (harbour revision orders) shall be amended as follows.

(2) In subsection (2)(b) at the end there shall be added the words " or in the interests of the recreational use of sea-going ships ".

(3) After subsection (2A) there shall be inserted—

"(2B) Nothing in subsection (2)(b) of this section shall prevent the making of an order for facilitating—

(a) the closing of part of the harbour,

(b) a reduction in the facilities available in the harbour, or

(c) the disposal of property not required for the purposes of the harbour,

if the appropriate Minister is satisfied that the making of the order is desirable on grounds other than those specified in that subsection."

(4) In subsection (3)—

(a) for the words from "a provision" to "said objects" there shall be substituted the words " any other provision of the order ";

(b) after the words "for the purposes of" there shall be inserted the words " , or in connection with, ";

(c) for the words "repealing and amending" there shall be substituted the words " excluding or modifying any provision of any Act or of any instrument made under any Act (including this Act) and for repealing ".

(5) After subsection (4) there shall be inserted—

"(4A) Where two or more harbours are being improved, maintained or managed by the same harbour authority or by harbour authorities which are members of the same group, a harbour revision order may relate to more than one of the harbours; and for this purpose two authorities are members of the same group if one is a subsidiary (within the meaning of the Companies Act 1985) of the other or both are subsidiaries of another company (within the meaning of that Act)."

(6) In subsection (5), for the words "large-scale map" there shall be substituted the words " map of a scale not less than 1:2500 ".

(7) After subsection (5) there shall be inserted—

"(5A) Where a harbour revision order includes provision for extinguishing or diverting a public right of way over a footpath or bridleway, there must be annexed to the order a map of a scale not less than 1:2500 on which the path

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or way concerned, and in the case of a diversion the new path or way, are plainly delineated."

Commencement Information
I92 Sch. 3 wholly in force at 15. 7. 1992 see s. 70 and S.I. 1992/1347, art. 2, **Sch.**

2 (1) Section 16 (harbour empowerment orders) shall be amended as follows.

(2) At the end of subsection (5) there shall be added the words " or in the interests of the recreational use of sea-going ships ".

(3) In subsection (6), after the words "any other enactment" there shall be inserted the words " and provisions for excluding or modifying any provision of any Act or of any instrument made under any Act (including this Act) ".

(4) In subsection (7), for the words "large-scale map" there shall be substituted the words " map of a scale not less than 1:2500 ".

(5) After subsection (7) there shall be inserted—

"(7A) Where a harbour empowerment order includes provision for extinguishing or diverting a public right of way over a footpath or bridleway, there must be annexed to the order a map of a scale not less than 1:2500 on which the path or way concerned, and in the case of a diversion the new path or way, are plainly delineated."

Commencement Information
I93 Sch. 3 wholly in force at 15. 7. 1992 see s. 70 and S.I. 1992/1347, art. 2, **Sch.**

3 In section 17 (procedure for making harbour revision and empowerment orders) after subsection (2) there shall be inserted—

"(2A) Neither the Secretary of State nor the Minister of Agriculture, Fisheries and Food shall make a harbour revision or empowerment order which provides for extinguishing a public right of way over a footpath or bridleway unless he is satisfied—

(a) that an alternative right of way has been or will be provided, or

(b) that the provision of an alternative right of way is not required.

(2B) Neither the Secretary of State nor the Minister of Agriculture, Fisheries and Food shall make a harbour revision or empowerment order which provides for diverting a public right of way over a footpath or bridleway unless he is satisfied that the path or way will not be substantially less convenient to the public in consequence of the diversion."

Commencement Information
I94 Sch. 3 wholly in force at 15. 7. 1992 see s. 70 and S.I. 1992/1347, art. 2, **Sch.**

4 In section 18 (harbour reorganisation schemes) in subsection (3), for the words "large-scale map" there shall be substituted the words " map of a scale not less than 1:2500 ".

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Changes to legislation: *Transport and Works Act 1992 is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information
I95 Sch. 3 wholly in force at 15. 7. 1992 see s. 70 and S.I. 1992/1347, art. 2, **Sch.**

5 (1) Section 47 (provisions as to inquiries and hearings) shall be amended as follows.

(2) After subsection (1) there shall be inserted—

"(1A) The power to make an order as to costs under section 250(5) of the Local Government Act 1972 as applied by subsection (1) above shall be exercisable not only where the inquiry or hearing takes place but also where arrangements are made for it but it does not take place."

(3) After subsection (2) there shall be inserted—

"(2A) The power to make an award as to expenses under section 210(8) of the Local Government (Scotland) Act 1973 as applied by subsection (2) above shall be exercisable not only where the inquiry or hearing takes place but also where arrangements are made for it but it does not take place."

(4) **[**F114In subsection (3), for the words from "required by paragraph 4(3)" to "Schedule 4" there shall be substituted the words " into an order subject to the provisions of paragraph 4B of Schedule 3 ".**]**

Textual Amendments
F114 Sch. 3 para. 5(4) repealed (S.) (28.12.2007) by Transport and Works (Scotland) Act 2007 (asp 8), s. 30(4), **sch. 3**; S.S.I. 2007/516, art. 2

Commencement Information
I96 Sch. 3 wholly in force at 15. 7. 1992 see s. 70 and S.I. 1992/1347, art. 2, **Sch.**

6 After section 48 (service of documents) there shall be inserted—

"48A Environmental duties of harbour authorities.

It shall be the duty of a harbour authority in formulating or considering any proposals relating to its functions under any enactment to have regard to—

(a) the conservation of the natural beauty of the countryside and of flora, fauna and geological or physiographical features of special interest;

(b) the desirability of preserving for the public any freedom of access to places of natural beauty; and

(c) the desirability of maintaining the availability to the public of any facility for visiting or inspecting any building, site or object of archaeological, architectural or historic interest;

and to take into account any effect which the proposals may have on the natural beauty of the countryside, flora, fauna or any such feature or facility."

Commencement Information
I97 Sch. 3 wholly in force at 15. 7. 1992 see s. 70 and S.I. 1992/1347, art. 2, **Sch.**

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7 (1) Section 57 (interpretation) shall be amended as follows.

(2) After the definition of "the Boards" there shall be inserted— " "bridleway" , in relation to England and Wales, has the same meaning as in the Highways Act 1980 and, in relation to Scotland, has the same meaning as in Part III of the Countryside (Scotland) Act 1967; ".

(3) After the definition of "fishery harbour" there shall be inserted— " "footpath" , in relation to England and Wales, has the same meaning as in the Highways Act 1980 and, in relation to Scotland, has the same meaning as in the Roads (Scotland) Act 1984; ".

Commencement Information
I98 Sch. 3 wholly in force at 15. 7. 1992 see s. 70 and S.I. 1992/1347, art. 2, **Sch.**

8 Section 62 (saving for private Bills etc) shall be omitted.

Commencement Information
I99 Sch. 3 wholly in force at 15. 7. 1992 see s. 70 and S.I. 1992/1347, art. 2, **Sch.**

9 (1) Schedule 2 (objects for whose achievement harbour revision orders may be made) shall be amended as follows.

(2) In paragraph 3(c) for the words from "out" to "others of" there shall be substituted the words " on by others of activities relating to the harbour or of ".

(3) After paragraph 7 there shall be inserted—

"7A Extinguishing or diverting public rights of way over footpaths or bridleways for the purposes of works described in the order or works ancillary to such works.

7B Extinguishing public rights of navigation for the purposes of works described in the order or works ancillary to such works, or permitting interference with the enjoyment of such rights for the purposes of such works or for the purposes of works carried out by a person authorised by the authority to carry them out."

(4) After paragraph 8 there shall be inserted—

"8A Enabling the authority to close part of the harbour or to reduce the facilities available in the harbour."

(5) After paragraph 9 there shall be inserted—

"9A Empowering the authority (alone or with others) to develop land not required for the purposes of the harbour with a view to disposing of the land or of interests in it, and to acquire land by agreement for the purpose of developing it together with such land.

9B Empowering the authority to delegate the performance of any of the functions of the authority except—

(a) a duty imposed on the authority by or under any enactment;

(b) the making of byelaws;

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(c) the levying of ship, passenger and goods dues;

(d) the appointment of harbour, dock and pier masters;

(e) the nomination of persons to act as constables;

(f) functions relating to the laying down of buoys, the erection of lighthouses and the exhibition of lights, beacons and sea-marks, so far as those functions are exercisable for the purposes of the safety of navigation."

(6) After paragraph 16 there shall be inserted—

"16A Imposing or conferring on the authority duties or powers (including powers to make byelaws) for the conservation of the natural beauty of all or any part of the harbour or of any of the fauna, flora or geological or physiographical features in the harbour and all other natural features."

Commencement Information

I100 Sch. 3 wholly in force at 15. 7. 1992 see s. 70 and S.I. 1992/1347, art. 2, **Sch.**

10 (1) Schedule 3 (procedure for making harbour orders) shall be amended as follows.

(2) After paragraph 1A there shall be inserted—

"1B Such fees as may be determined by the Secretary of State shall be payable on the making of an application for a harbour revision order."

(3) In paragraph 3, after sub-paragraph (b) there shall be inserted—

"(ba) if provision is proposed to be included in the order extinguishing or diverting a public right of way over a footpath or bridleway, the applicant shall—

(i) serve on every local authority for the area in which the path or way is situated a notice stating the effect of the provision, naming a place where a copy of the draft of the proposed order (and of any relevant map accompanying the application for the order) may be seen at all reasonable hours and stating that, if the local authority desire to make to the Secretary of State objection to the inclusion of the provision in the order, they should do so in writing (stating the grounds of their objection) before the expiration of the period of forty-two days from the date on which the notice is served on them;

(ii) cause a copy of the notice to be displayed in a prominent position at the ends of so much of any path or way as would by virtue of the order cease to be subject to a public right of way;

and for the purposes of this sub-paragraph, "local authority" means, in England and Wales, a county council, a district council, a London borough council, the Common Council of the City of London, the Council of the Isles of Scilly, a parish or community council and a parish meeting of a parish not having a separate parish council and, in Scotland, a regional, islands or district council; ".

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(4) In paragraph 4A, in sub-paragraph (1) for the words "is opposed" there shall be substituted the words " authorises the compulsory purchase of land ", and for sub-paragraphs (2) to (4) there shall be substituted—

"(2) Where this paragraph has effect in relation to an order, it shall be subject to special parliamentary procedure to the same extent as it would be, by virtue of section 18 or 19 of the Acquisition of Land Act 1981 (or by virtue of paragraph 5 or 6 of Schedule 3 to that Act) (National Trust land, commons etc), if the purchase were authorised by an order under section 2(1) of that Act."

(5) For paragraph 4B there shall be substituted—

"4B – (1) The provisions of this paragraph apply to—

(a) a harbour revision order relating to a harbour in Scotland, or

(b) a harbour empowerment order relating to a harbour or to works to be carried out in Scotland,

where the order authorises the compulsory purchase of land.

(2) Where this paragraph applies to an order, the order shall be subject to special parliamentary procedure to the same extent as it would be, by virtue of section 1(2)(b) of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (land forming part of a common or open space or held inalienably by the National Trust for Scotland), if the purchase were authorised by an order under section 1(1) of that Act."

(6) In paragraph 5(a), for the words from "to which" to "so affected" there shall be substituted the words " which is not subject to special parliamentary procedure, ".

(7) Paragraphs 8A and 8B shall be omitted.

(8) In paragraph 14(3), for the words "(b) and (c)" there shall be substituted the words " (b) to (c) ".

Commencement Information

I101 Sch. 3 wholly in force at 15. 7. 1992 see s. 70 and S.I. 1992/1347, art. 2, **Sch.**

SCHEDULE 4

Section 68.

REPEALS

Commencement Information

I102 Sch. 4 partly in force: see in force commentary to Pts. I and II respectively below.

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PART I

RAILWAYS AND TRAMWAYS

Commencement Information

I103 Sch. 4 Pt. I partly in force; Sch. 4 Pt. I not in force at Royal Assent see s. 70(1); Sch. 4 Pt. I in force at 15. 7. 1992 by S.I. 1992/1347, art. 2, **Sch.** (to the extent specified in the Appendix to that Schedule).
Sch. 4 Pt. I partly in force at 7. 12 1992 by S.I. 1992/2043, **art. 2(c)** with respect to a specific entry;
Sch. 4 Pt. I partly in force at 1. 1. 1993 by S.I. 1992/2784, arts. 2, 3, **Sch. 1** (to the extent specified in that Schedule);
Sch. 4 Pt. I in force at 31. 1. 1993 by S.I. 1992/3144, art. 3, **Sch.** (to the extent specified in the Appendix to that Schedule);
Sch. 4 Pt. I in force at 5.4.1994 by S.I. 1994/718, art. 2, **Sch.** (to the extent specified in that Schedule);
Sch. 4 Pt. I in force at 8.7.1996 by S.I. 1996/1609, **art. 2 Sch.** (to the extent specified in that Schedule);
Sch. 4 Pt. I in force at 26.2.1998 by S.I. 1998/274, art. 2, **Sch.** (to the extent specified in that Schedule).

Chapter	Short title	Extent of repeal
5 & 6 Vict. c. 55.	The Railway Regulation Act 1842.	In section 17, the words “who shall be found drunk while so employed upon the said railway”.
33 & 34 Vict. c. 78.	The Tramways Act 1870.	Section 3 (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order).Sections 4 to 21.Sections 22 to 24 (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order). In section 25, the words from the beginning to ”surface of the road” (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order). In section 25, the words ”and shall not be opened” onwards.Sections 26 to 40 (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order).Sections 41 and 42.Sections 43 to 47 (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order).Section 48.Sections 49 to 64 (except as incorporated in, or

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		otherwise applied by, any Act of Parliament or Provisional Order).Parts I and II of Schedule A (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order).Part III of Schedule A.Schedule B.Schedule C (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order).
34 & 35 Vict. c. 78.	The Regulation of Railways Act 1871.	In section 3, the words "Provided that" onwards.Section 6.
45 & 46 Vict. c. 50.	The Municipal Corporations Act 1882.	In Part I of Schedule 9, the entry relating to the Tramways Act 1870 (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order).
50 & 51 Vict. c. 65.	The Military Tramways Act 1887.	The whole Act.
52 & 53 Vict. c. 14.	The Town Police Clauses Act 1889.	In section 3, the words from "duly licensed" to "Act of Parliament."
57 & 58 Vict. c. 28.	The Notice of Accidents Act 1894.	The whole Act, so far as unrepealed.
59 & 60 Vict. c. 48.	The Light Railways Act 1896.	The whole Act, so far as unrepealed (except as it applies in Scotland).
63 & 64 Vict. c. 27.	The Railway Employment (Prevention of Accidents) Act 1900.	Section 13(2).
3 Edw. 7 c. 30.	The Railways (Electrical Power) Act 1903.	The whole Act.
6 Edw. 7 c. 53.	The Notice of Accidents Act 1906.	The whole Act, so far as unrepealed.
2 & 3 Geo. 5 c. 19.	The Light Railways Act 1912.	The whole Act, so far as unrepealed (except as it applies in Scotland).
11 & 12 Geo. 5 c. 55.	The Railways Act 1921.	Sections 68 and 69 (except as they apply in Scotland).Section 71 (except as it applies in

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		Scotland).Sections 73 and 74 (except as they apply in Scotland).
24 & 25 Geo. 5 c. 53.	The Road and Rail Traffic Act 1933.	Section 41.Section 43.
2 & 3 Eliz. 2 c. 64.	The Transport Charges &c (Miscellaneous Provisions) Act 1954.	Section 9.In section 13(1)—the definition of "railwayof the nature of a tramway"; the definition of "tramcar";the words "and references to" to "Road Traffic Act 1960".Section 14(5).
8 & 9 Eliz. 2 c. 16.	The Road Traffic Act 1960.	In Schedule 17, the entry relating to the Transport Charges &c (Miscellaneous Provisions) Act 1954.
10 & 11 Eliz. 2 c. 46.	The Transport Act 1962.	In section 83—subsections (1) to (5) (except as they apply in Scotland);subsection (6).
1965 c. 2.	The Administration of Justice Act 1965.	In Schedule 1—the entry relating to the Tramways Act 1870;the entry relating to the Light Railways Act 1896.
1965 c. xxi.	The British Railways Act 1965.	Section 35(3) and (8).
1965 c. xli.	The London Transport Act 1965.	Section 34(3).
1967 c. 80.	The Criminal Justice Act 1967.	In Part I of Schedule 3—the entry relating to section 75 of the Railways Clauses Consolidation Act 1845;the entry relating to section 68 of the Railways Clauses Consolidation (Scotland) Act 1845.
1968 c. 73.	The Transport Act 1968.	Section 121(4) (except as it applies in Scotland). In section 121(5), the words "or by virtue of subsection (4) thereof" (except as they apply in Scotland). In section 121(6), the words "or by virtue of subsection (4)" (except as they apply in Scotland). Section 124 (except as it

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		applies in Scotland).Section 125(4).
1972 c. 70.	The Local Government Act 1972.	Section 131(2)(c).
1975 c. 9.	The Supply Powers Act 1975.	In Schedule 1, the entry relating to the Military Tramways Act 1887.
1975 c. 53.	The Public Service Vehicles (Arrest of Offenders) Act 1975.	The whole Act, so far as unrepealed.
1977 c. xii.	The London Transport Act 1977.	In the Schedule, the entry relating to section 75 of the Railways Clauses Consolidation Act 1845.
1977 c. xvii.	The British Railways Act 1977.	In Schedule 1—the entry relating to section 75 of the Railways Clauses Consolidation Act 1845;the entry relating to section 68 of the Railways Clauses Consolidation (Scotland) Act 1845.
1980 c. 66.	The Highways Act 1980.	In section 36(2), at the end of paragraph (c), the word “and”.
1982 c. 53.	The Administration of Justice Act 1982.	Section 46(2)(b)(i).Section 46(2)(d).
1984 c. 12.	The Telecommunications Act 1984.	In Schedule 4, paragraph 7.
1984 c. 54.	The Roads (Scotland) Act 1984.	In Schedule 9—paragraph 6 (except as incorporated in, or otherwise applied by, any Act of Parliament or Provisional Order);paragraph 12.
1986 c. 45.	The Insolvency Act 1986.	Section 220(1)(a).
1987 c. 53.	The Channel Tunnel Act 1987.	In paragraph 3 of Schedule 6 —in the entry relating to the Regulation of Railways Act 1871, the words ”and 6” and the words ”returns of and”;the entry relating to the Road and Rail Traffic Act 1933.

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PART II

HARBOURS

Commencement Information

I104 Sch. 4 Pt. II wholly in force at 15. 7. 1992 (subject to restrictions affecting certain Orders) see s. 70 and S.I. 1992/1347, arts. 2, 3, **Sch.**

Chapter	Short title	Extent of repeal
24 & 25 Vict. c. 45.	The General Pier and Harbour Act 1861.	The whole Act, so far as unrepealed.
25 & 26 Vict. c. 19.	The General Pier and Harbour Act 1861, Amendment Act.	The whole Act, so far as unrepealed.
25 & 26 Vict. c. 69.	The Harbours Transfer Act 1862.	Sections 13 and 14.
5 & 6 Geo. 5 c. 48.	The Fishery Harbours Act 1915.	The whole Act, so far as unrepealed.
1 Edw. 8 & 1 Geo. 6 c. 28.	The Harbours, Piers and Ferries (Scotland) Act 1937.	Sections 4 and 5.
14 & 15 Geo. 6 c. 30.	The Sea Fish Industry Act 1951.	Section 21(4). In section 21(5), the words ”in section two of the said Act of 1915 or”. In section 21(8), the word ”either” and the words from ”or of the Fishery Harbours Act 1915” to ”the Minister of Transport)”.
1964 c. 40.	The Harbours Act 1964.	Section 17(3) and (4). In section 57(1), the definition of ”large-scale”. Section 62.In Schedule 3—paragraph 5A;paragraph 8A;paragraph 8B;in paragraph 9, the words from ”and further stating” to ”or will come into operation”;paragraph 9A.
1966 c. 28.	The Docks and Harbours Act 1966.	Section 37(3).
1973 c. 65.	The Local Government (Scotland) Act 1973.	In Schedule 19—paragraph 5;paragraph 8.
1981 c. 56.	The Transport Act 1981.	In Schedule 6, paragraph 4(4) to (7).

Status:
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View outstanding changes

Changes and effects yet to be applied to :

- s. 67 defn(s). applied by 1999 c. 29 s. 163(8)
- s. 67 defn(s). applied by 1999 c. 29 s. 207(8)
- s. 67 defn(s). applied by 1999 c. 29 Sch. 17 para. 9(11)
- Sch. 2 para. 5(2) repealed by 2000 c. 37 Sch. 16 Pt. 2
- Sch. 2 para. 5(4)(a)(d)(e) repealed by 2000 c. 37 Sch. 16 Pt. 2
- Sch. 2 para. 5(6)(7) repealed by 2000 c. 37 Sch. 16 Pt. 2
- Sch. 2 para. 6(2)(b) repealed by 2000 c. 37 Sch. 16 Pt. 2
- Sch. 2 para. 10(4)(a) repealed by 2000 c. 37 Sch. 16 Pt. 2

JA15


"Barwood Bridge" – Option K
Proposed Developer Footbridge and bridleway
Housing development
Tackley Station and Level Crossing
Existing bridleway