



Transport and Works Act 1992

1992 CHAPTER 42

PART II

SAFETY OF RAILWAYS ETC

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 his approval 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 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 Secretary of State.
- (3) Regulations under this section may make different provision for different cases, and may include provision authorising the Secretary of State—

Status: This is the original version (as it was originally enacted).

- (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 he 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.
- (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.

42 Inspectors

- (1) The functions of inspectors appointed under section 3 of the Regulation of Railways Act 1871 shall extend not only to railways (as defined by section 2 of that Act) but also to other railways and tramways, to trolley vehicle systems and to any system using a mode of guided transport prescribed by regulations under section 41 above; and in any enactment relating to those functions—
- (a) references to railways or matters relating to railways shall be construed accordingly, and
 - (b) references to a company working a railway shall have effect as references to an operator of a railway, tramway, trolley vehicle system or system using a mode of guided transport prescribed by such regulations.
- (2) In section 3 of the Regulation of Railways Act 1871, the proviso (which prohibits an inspector from interfering in the affairs of a company) shall cease to have effect.

43 Accidents etc

- (1) The Secretary of State may make regulations requiring the reporting to him of—
- (a) accidents involving death or personal injury, and
 - (b) circumstances involving a danger of death or personal injury,
- which occur in the operation of railways, tramways, trolley vehicle systems and systems using a mode of guided transport prescribed by the regulations.

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- (2) Regulations under this section shall prescribe the cases in which reports are required, the persons required to make them, the time and manner in which they are to be made, and the particulars to be included in them.
- (3) Regulations 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 any provision of the regulations that would otherwise apply, or
 - (b) to require compliance with any provision that would not otherwise apply, in any case where he considers it appropriate to do so.
- (4) A person who, without reasonable excuse, fails to make a report as required by regulations under this section shall be guilty of an offence.
- (5) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (6) 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.

44 Accidents etc: consequential amendments

- (1) Section 6 of the Regulation of Railways Act 1871 (which is superseded by section 43 above) shall cease to have effect.
- (2) In section 7 of that Act (inquiries into accidents etc)—
 - (a) for the words “this Act” (in the words preceding the paragraphs) there shall be substituted the words “regulations under section 43 of the Transport and Works Act 1992”;
 - (b) after paragraph (4) there shall be added—

“In this section any reference to an accident includes a reference to circumstances involving a danger of death or personal injury.”
- (3) In section 8 of that Act (appointment of assessor to coroner) for the words “of this Act” there shall be substituted the words “of regulations under section 43 of the Transport and Works Act 1992”.

45 Directions limiting speeds and loads

- (1) The Secretary of State 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.

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

- (4) Before giving a direction under this section, the Secretary of State shall consult the person to whom he proposes to give it.
- (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.

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.
- (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.