



Transport and Works Act 1992

1992 CHAPTER 42

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.
- (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.

61 Amendment of Public Passenger Vehicles Act 1981

- (1) The 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”.

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- (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.”

62 Exclusion of hackney carriage legislation

- (1) In section 4 of the 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”.
- (2) In section 4 of the London Cab Act 1968 (display of signs etc) in subsection (5) in the definition of “private hire-car”, after the words “public service vehicle” there shall be inserted the words “or tramcar”.
- (3) In section 80 of the Local 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”.

Harbours

63 Harbours

- (1) The Harbours Act 1964 shall have effect with the amendments set out in Schedule 3 to this Act.
- (2) In section 37 of the Docks 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—

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“(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 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 (h)—

“(i) any operations authorised by an order under section 14 or 16 of the Harbours Act 1964.”

Miscellaneous

64 Maintenance of footpaths and bridleways

(1) Section 36 of the 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.”

65 Certain enactments to cease to have effect

(1) The following enactments shall cease to have effect—

(a) the General Pier and Harbour Act 1861;

(b) in 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,

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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 Military Tramways Act 1887;
 - (d) the Railways (Electrical Power) Act 1903;
 - (e) the Fishery Harbours Act 1915;
 - (f) section 220(1)(a) of the Insolvency Act 1986.
- (2) In the 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 Sea Fish Industry Act 1951”.

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.
- (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 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.

67 Interpretation

- (1) In this Act, except where the context otherwise requires—
 - “carriageway” has the same meaning as in the Highways Act 1980, or in Scotland the 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 Harbours Act 1964) in relation to the waterway;
 - “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 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.

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 Notice of Accidents Act 1894 shall not affect section 75 of the Civil Aviation Act 1982 (by virtue of which regulations may include provisions applying section 3 of the 1894 Act).

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.

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.

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.