
STATUTORY INSTRUMENTS

1992 No. 2784 (C.84)

**TRANSPORT AND WORKSTRANSPORTCANALS
AND INLAND WATERWAYS**

**The Transport and Works Act 1992 (Commencement
No. 3 and Transitional Provisions) Order 1992**

Made - - - - 6th November 1992

The Secretary of State, in exercise of the powers conferred on him by section 70(1) and (2) of the Transport and Works Act 1992⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and interpretation

1.—(1) This Order may be cited as the Transport and Works Act 1992 (Commencement No. 3 and Transitional Provisions) Order 1992.

(2) In this Order, “the Act” means the Transport and Works Act 1992.

Provisions coming into force

2. The following provisions of the Act shall come into force on 1st January 1993—

- (a) the provisions specified in the first column of Schedule 1 to this Order (which relate to the matters mentioned in the second column thereof); and
- (b) the entries in Part I of Schedule 4 to the Act (repeals: railways and tramways) relating to the enactments specified in Schedule 2 to this Order;

to the extent provided in such schedules.

Transitional provisions

3.—(1) The repeal of the Military Tramways Act 1887⁽²⁾ shall not affect the validity of a Provisional Order made under that Act and in force immediately before 1st January 1993.

(2) The repeal of the enactments specified in Part II of Schedule 2 to this Order shall not affect—

- (a) the validity of an order made under any of those enactments and in force immediately before 1st January 1993; or

(1) 1992 c. 42.
(2) 1887 c. 65.

- (b) the operation of any of those enactments in relation to an application for, or the making of, an order thereunder where the application in question was made prior to 1st January 1993.
- (3) The repeal of the enactments specified in Part III of Schedule 2 to this Order shall not affect the operation of any of those enactments in relation to an order made under the Light Railways Act 1896⁽³⁾ which—
 - (a) was in force immediately before 1st January 1993; or
 - (b) comes into force on or after 1st January 1993 where the application for such an order was made prior to 1st January 1993.

Signed by authority of the Secretary of State for Transport

6th November 1992

Roger Freeman
Minister of State,
Department of Transport

Signed by authority of the Secretary of State for the Environment

6th November 1992

David Maclean
Minister of State,
Department of the Environment

(3) 1896 c. 48. This Act was amended by the Light Railways Act 1912 (c. 19) and the Railways Act 1921 (c. 55), Part V, and extended by the Transport Act 1968 (c. 73), section 121(4) to (6).

SCHEDULE 1

Article 2(a)

PROVISIONS OF THE ACT COMING INTO FORCE OTHER THAN SCHEDULE 4

<i>Provisions</i>	<i>Subject matter</i>
Part I.	Orders authorising works etc.
Section 65(1)(b), (c), (d) and (f), except, in paragraph (b), the words— “in section 25, the words “and shall not be opened” onwards,”; and “section 48,”.	Certain enactments to cease to have effect.
Section 68, in so far as it relates to the entries in Schedule 4 set out in Schedule 2 to this Order.	Repeal of enactments.
Schedule 1.	Matters within sections 1 and 3.

SCHEDULE 2

Articles 2(b) and 3(2) and (3)

ENTRIES IN SCHEDULE 4 TO THE ACT COMING INTO FORCE

PART I

The Tramways Act 1870(4), except—

the words “and shall not be opened” onwards in section 25; and section 48.

The Municipal Corporations Act 1882(5).

The Military Tramways Act 1887.

The Transport Act 1962(6), section 83(6).

The Supply Powers Act 1975(7).

The Telecommunications Act 1984(8).

The Road (Scotland) Act 1984(9).

The Insolvency Act 1986

The Insolvency Act 1986(10) .

PART II

The Light Railways Act 1896.

The Railways (Electrical Power) Act 1903(11) .

(4) 1870 c. 78.

(5) 1882 c. 50.

(6) 1962 c. 46.

(7) 1975 c. 9.

(8) 1984 c. 12.

(9) 1984 c. 54.

(10) 1986 c. 45.

(11) 1903 c. 30.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

The Light Railways Act 1912.
The Railways Act 1921.
The Transport Act 1962, except section 83(6).
The Transport Act 1968, except—
 section 124; and
 section 125(4).

PART III

The Administration of Justice Act 1965**(12)** .
The Local Government Act 1972**(13)** .
The Administration of Justice Act 1982**(14)** .

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 1st January 1993 the provisions of Part I of the Transport and Works Act 1992 (“the Act”) and certain repeals referred to in section 68 of, and Schedule 4 to, the Act.

Part I of the Act applies in England and Wales only. It provides a new procedure for the authorisation of the construction or operation of—

 railways;
 tramways;
 trolley vehicle systems;
 other modes of guided transport as prescribed by order under section 2;
 inland waterways;
 works interfering with rights of navigation and being of a description prescribed by order under section 4;

and ancillary matters.

The repeals, except for those statutes relating solely to the Light Railways Order procedure and section 83(1) to (5) of the Transport Act 1962, apply in Great Britain as a whole.

Thus, in England and Wales, the new procedure is intended to replace the private Bill procedure in relation to the foregoing matters and also the order-making procedures of the Tramways Act 1870, the Military Tramways Act 1887, the Light Railways Act 1896 (as extended and amended), the Railways (Electrical Power) Act 1903 and section 83 of the Transport Act 1962.

In Scotland, the procedures under the Acts of 1870, 1887 and 1903 are superseded by those provided by the Private Legislation Procedure (Scotland) Act [1936 \(c. 52\)](#).

(12) [1965 c. 2](#).

(13) [1972 c. 70](#).

(14) [1982 c. 53](#).

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions have been, or will be, brought into force by Commencement Orders made prior to the date hereof:

<i>Provisions</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
Sections 26 to 40 and 68(1) (partially) and Schedule 4, Part I (partially).	7th December 1992.	1992/2043.
Sections 45, 46, 49, 57 to 60, 63, 65(1)(a) and (e), 65(2), 66, 67, 68(1) (partially) and 69; Schedule 3 and Schedule 4, Part I (partially) and Part II.	15th July 1992.	1992/1347.