



# Transport Act 1981

## 1981 CHAPTER 56

### PART V

#### MISCELLANEOUS AND GENERAL

##### *Miscellaneous*

#### [<sup>F1</sup>32 Road humps.

- (1) The provisions of Schedule 10 have effect with respect to road humps.
- (2) This section and Schedule 10 come into force on such day as the Secretary of State may appoint by order made by statutory instrument, and different days may be so appointed for different purposes.]

#### Textual Amendments

**F1** S. 32 repealed (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(3), [Sch. 11](#)

#### Modifications etc. (not altering text)

**C1** Power of appointment conferred by s. 32(2) fully exercised (E.W.): 25.8.1983 appointed (E.W.) by [S.I. 1983/1089](#), [art. 2](#)

**33, 34.** ..... <sup>F2</sup>

#### Textual Amendments

**F2** [Ss. 33, 34](#) repealed by [Finance Act 1982 \(c. 39\)](#), s. 157, [Sch. 22 Pt. II](#)

*Changes to legislation: There are currently no known outstanding effects for the Transport Act 1981, Cross Heading: Miscellaneous. (See end of Document for details)*

**35 Charges for licensing of cabs and cab drivers.**

<sup>F3</sup>(1) .....

<sup>F3</sup>(2) .....

(3) Where section 70 of the <sup>M1</sup>Local Government (Miscellaneous Provisions) Act 1976 (fees for vehicle and operator’s licences) is not in force in the area of a district council, the sums to be paid for a licence granted by the council under section 37 of the <sup>M2</sup>Town Police Clauses Act 1847 (licensing of cabs outside London) shall be such as the council may determine, and different sums may be so determined with respect to different descriptions of vehicle ; and the sums so determined shall be such as appear to the council to be sufficient in the aggregate to cover in whole or in part—

- (a) the reasonable cost of the carrying out by or on behalf of the district council of inspections of hackney carriages for the purpose of determining whether any such licence should be granted or renewed ;
- (b) the reasonable cost of providing hackney carriage stands ; and
- (c) any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages.

[<sup>F4</sup>(3A) In subsection (3) above, references to a district council shall be read, in relation to Wales, as references to a county council or a county borough council]

(4) This section does not extend to Scotland.

(5) This section comes into force on such day as the Secretary of State may by order made by statutory instrument, appoint, and different days be so appointed for different purposes.

**Textual Amendments**

**F3** S. 35(1)(2) repealed (3.7.2000) by 1999 c. 29, s. 423, **Sch. 34 Pt. V** (with Sch. 12 para. 9(1)); S.I. 2000/801, **art. 2(2)(c)**. Sch. Pt. 3

**F4** S. 35(3A) inserted (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 para. 37** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, **art. 3**.

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**Modifications etc. (not altering text)**

**C2** Power of appointment conferred by s. 35(5) fully exercised: S.I. 1981/1331, 1982/310

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**Marginal Citations**

**M1** 1976 c. 57.

**M2** 1847 c. 89.

<sup>F5</sup>36 .....

**Textual Amendments**

**F5** S. 36 repealed (15.7.1994) by 1993 c. 43, ss. 140(8), 152(3), **Sch.14**; S.I. 1994/1648, **art. 2** (with saving in art. 3(2))

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### 37 Railway etc. byelaws: increase in penalties.

In section 67 of the <sup>M3</sup>Transport Act 1962 (byelaws for railways and railway shipping services) for subsection (3) there is substituted the following subsection—

- “(3) Any byelaws made under this section may provide—
- (a) in the case of byelaws made by virtue of subsection (1) above, that any person contravening them shall be liable on summary conviction to a penalty not exceeding £200 for each offence; and
  - (b) in the case of byelaws made by virtue of subsection (2) above, that any person contravening them shall be liable on summary conviction to a fine not exceeding £50 for each offence and, in the case of such a contravention which continues after conviction, to a fine not exceeding £10 for each day on which the offence so continues.”.

#### Modifications etc. (not altering text)

**C3** The text of ss. 3(5), 35(1)(2), 37, 38, 39, Sch. 4 paras. 1(3), 6, Sch. 5 Pt. I para. 10(1)(2), Sch. 9 Pt. II para. 25, Sch. 12 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

#### Marginal Citations

**M3** 1962 c. 46.

### 38 Fires caused by railway engines.

- (1) In section 1 of the <sup>M4</sup>Railway Fires Act 1905 (liability of railway companies to make good damage to crops caused by their engines), in subsection (3) for the words “two hundred pounds there is substituted “ £3,000 or such greater sum as may for the time being be prescribed by order made by the Secretary of State ” ; and after that subsection there is inserted the following—

“(3A) An order under subsection (3) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3B) In the application of subsection (3) above to Northern Ireland for the reference to the Secretary of State there shall be substituted a reference to the Department of the Environment for Northern Ireland and any order made by the Department under that subsection—

- (a) shall be made by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979; and
- (b) shall be subject to negative resolution as defined by section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if it were a statutory instrument within the meaning of that Act.”

- (2) In section 2 of the <sup>M5</sup>Railway Fires Act (1905) Amendment Act 1923 the words “not exceeding the sum of two hundred pounds are hereby repealed.

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**Modifications etc. (not altering text)**

- C4** The text of ss. 3(5), 35(1)(2), 37, 38, 39, Sch. 4 paras. 1(3), 6, Sch. 5 Pt. I para. 10(1)(2), Sch. 9 Pt. II para. 25, Sch. 12 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

**Marginal Citations**

- M4** 1905 c. 11.  
**M5** 1923 c. 27

**39 Amendment of Schedules 7 and 8 to the Public Passengers Vehicles Act 1981.**

In the <sup>M6</sup>Public Passenger Vehicles Act 1981—

- (a) in Schedule 7 (consequential amendments), paragraph 24 is omitted;
- (b) in Schedule 8 (repeals)—
- (i) in the entry relating to the <sup>M7</sup>Transport Act 1968 the words “in section 145, subsection (2) are omitted, and
  - (ii) in the entry relating to the <sup>M8</sup>Transport Act 1980 after the words “In Schedule 5, Part I there are inserted the words “ (except paragraph 13) ” and for the words “the Minibus Act 1977 and the Transport Act 1978 there are substituted the words “ and the Minibus Act 1977 and paragraphs 2 to 4 of the entry relating to the Transport Act 1978. ”.

**Modifications etc. (not altering text)**

- C5** The text of ss. 3(5), 35(1)(2), 37, 38, 39, Sch. 4 paras. 1(3), 6, Sch. 5 Pt. I para. 10(1)(2), Sch. 9 Pt. II para. 25, Sch. 12 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

**Marginal Citations**

- M6** 1981 c. 14.  
**M7** 1968 c. 73.  
**M8** 1980 c. 34.

**Changes to legislation:**

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