



# 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 [<sup>F1</sup>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 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 [<sup>F2</sup>specified authority] .
- (3) Regulations under this section may make different provision for different cases, and may include provision authorising the [<sup>F3</sup>specified authority] —

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- (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 [<sup>F4</sup>it] 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.  
[<sup>F5</sup>“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**

- F1** 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)**
- F2** 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)**
- F3** 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)**
- F4** 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)**
- F5** 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)**

- C1** 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 (2.4.1994) by 1993 c. 43, **s. 117(1)(6)**, (with [S.I. 1990/1380](#), **arts 3,4**); [S.I. 1994/202](#), **art. 2**
- C2** S. 41: transfer of functions (in part) (10.5.1997) by [S.I. 1997/553](#), **reg. 10(1)(a)**

#### **Commencement Information**

- I1** S. 41 wholly in force at 31. 1. 1993 see s. 70 and [S.I. 1992/3144](#), **art. 3**, **Sch.**

*Changes to legislation: There are currently no known outstanding effects for the Transport and Works Act 1992, Cross Heading: General. (See end of Document for details)*

**F6 42 Inspectors.**

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**Textual Amendments**

**F6** S. 42 repealed (10.5.1997) by S.I. 1997/553, art. 12(1), Sch. Pt. I

**F7 43 Accidents etc.**

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**Textual Amendments**

**F7** S. 43 repealed (1.4.1996) by S.I. 1995/3163, reg. 14(1)

**F8 44 Accidents etc: consequential amendments.**

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**Textual Amendments**

**F8** S. 44 repealed (1.4.1996) by S.I. 1995/3163, reg. 14(1)

**F9 45 Directions limiting speeds and loads.**

- (1) The [<sup>F10</sup>relevant 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 [<sup>F11</sup>relevant enforcing authority] shall consult the person to whom [<sup>F12</sup>that authority] 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.
- [<sup>F13</sup>(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.

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(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

- F9** S. 45: transfer of powers (10.5.1997) by S.I. 1997/553, **reg. 10(1)(a)**
- F10** 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)**
- F11** 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)**
- F12** 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)**
- F13** 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)

- C3** 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

- I2** 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.
- (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

- I3** S. 46 wholly in force at 15. 7. 1992 see s. 70 and S.I. 1992/1347, **art. 2**, **Sch.**

**Changes to legislation:**

There are currently no known outstanding effects for the Transport and Works Act 1992, Cross  
Heading: General.