



Transport Act 1981

1981 CHAPTER 56

PART V

MISCELLANEOUS AND GENERAL

Miscellaneous

[^{F1}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F1 S. 32 repealed (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(3), [Sch. 11](#)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. ^{F2}

Textual Amendments

F2 [Ss. 33, 34](#) repealed by [Finance Act 1982 \(c. 39\)](#), s. 157, [Sch. 22 Pt.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

Status: Point in time view as at 01/02/1991.

*Changes to legislation: There are currently no known outstanding effects
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35 Charges for licensing of cabs and cab drivers.

- (1) In section 6 of the ^{M1}Metropolitan Public Carriage Act 1869 (licensing of cabs) the words “at such price are omitted and for the words from “such uniform sum to “prescribe there are substituted the words “ such sum as the person granting the licence may, with the approval of the Secretary of State, determine, and different sums may be so determined with respect to different descriptions of vehicle ”.
- (2) In section 8 of the Metropolitan Public Carriage Act 1869 (licensing of cab drivers) the words “at such price are omitted and for the words from “such sum to “prescribe there are substituted the words “ such sum as the person granting the licence may, with the approval of the Secretary of State, determine, and different sums may be so determined with respect to different descriptions of licence ”.
- (3) Where section 70 of the ^{M2}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 ^{M3}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.
- (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.

Modifications etc. (not altering text)

- C2** 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
- C3** Power of appointment conferred by s. 35(5) fully exercised: [S.I. 1981/1331](#), 1982/310

Marginal Citations

- M1** [1869 c. 115.](#)
- M2** [1976 c. 57.](#)
- M3** [1847 c. 89.](#)

36 Grants to assist the provision of facilities for freight haulage by inland waterway.

- (1) Where it appears to the Secretary of State that it would be in the interests of any locality or of all or some of its inhabitants for facilities to be provided in that locality or elsewhere for or in connection with the carriage of freight by inland waterway or the loading or unloading of freight carried or intended to be carried by inland waterway,

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he may make grants in accordance with this section towards the provision of such facilities.

- (2) Grants under this section shall be made towards capital expenditure which is to be incurred in providing such facilities, and the facilities may, without prejudice to the generality of subsection (1) above, include cargo-carrying craft, inland waterway terminals, depots, access roads and equipment for use in connection with the carriage, loading or unloading of freight.
- (3) Grants under this section shall be made in pursuance of an application made to the Secretary of State by the person who intends to provide the facilities and shall be supported by evidence that the navigation authority have given that person their approval for the provision by him of the facilities to which the application relates.
- (4) The Secretary of State may, in making a grant under this section, impose such terms and conditions as he thinks fit.

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

In section 67 of the ^{M4}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)

- 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** 1962 c. 46.

38 **Fires caused by railway engines.**

- (1) In section 1 of the ^{M5}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.

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(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 ^{M6}Railway Fires Act (1905) Amendment Act 1923 the words “not exceeding the sum of two hundred pounds are hereby repealed.

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

M5 1905 c. 11.

M6 1923 c. 27

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

In the ^{M7}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 ^{M8}Transport Act 1968 the words “in section 145, subsection (2) are omitted, and
 - (ii) in the entry relating to the ^{M9}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)

C6 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

M7 1981 c. 14.

M8 1968 c. 73.

M9 1980 c. 34.

Status: Point in time view as at 01/02/1991.

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General

40 Repeals.

- (1) The enactments mentioned in Schedule 12 are repealed to the extent specified in the third column of that Schedule.
- (2) Part I of that Schedule has effect as from the day appointed by the Secretary of State for the purposes of section 5.
- (3) Part II of that Schedule has effect as from the day appointed by the Secretary of State under section 15(1), except for the repeal of the entry for the National Ports Council in Part II of Schedule 1 to the ^{M10}House of Commons Disqualification Act 1975 which comes into force on the Council ceasing to exist.
- (4) Part III of that Schedule so far as relates to—
 - (a) the ^{M11}Railway Fires Act (1905) Amendment Act 1923; and
 - (b) the ^{M12}Public Passenger Vehicles Act 1981,comes into force on the passing of this Act and otherwise comes 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.

Modifications etc. (not altering text)

C7 Power of appointment conferred by s. 40(4) partly exercised by [S.I. 1981/1331](#), 1617, 1982/300, 310, 866, 1341, 1451, 1803, 1983/576, 930, 1089, 1988/1037, 1170

Marginal Citations

M10 1975 c. 24.
M11 1923 c. 27.
M12 1981 c. 14.

41 Northern Ireland.

- (1) The following provisions of this Act extend to Northern Ireland—
 - (a) Part I;
 - (b) Part II, except—
 - (i) in Schedule 3, paragraphs 7 and 19;
 - (ii) in Schedule 4, paragraphs 1, 5 to 9 and 15;
 - (c) Section 38;
 - (d) Part I of Schedule 12, and section 40 so far as relates to that Part;
 - (e) the repeal by Part II of Schedule 12 of the entry for the National Ports Council in Part II of Schedule 1 to the House of Commons Disqualification Act 1975, and section 40 so far as it relates to that repeal ;
 - (f) Part III of Schedule 12 and section 40 so far as relating to the ^{M13}Railway Fires Act (1905) Amendment Act 1923;
 - (g) this section and sections 42 and 43.
- (2) The other provisions of this Act do not extend to Northern Ireland.

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- (3) An Order in Council made under paragraph 1(1)(b) of Schedule 1 to the ^{M14}Northern Ireland Act 1974 which contains a statement that its purposes correspond to those of sections 27 and 28 of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament instead of the order or a draft of the order being subject to the procedure set out in paragraph 1(4) or (5) of that Schedule.

Marginal Citations

M13 1923 c. 27.

M14 1974 c. 28.

42 Expenses.

Expenses incurred by any government department in consequence of the provisions of this Act shall be defrayed out of money provided by Parliament.

43 Short title.

This Act may be cited as the Transport Act 1981.

Status:

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Changes to legislation:

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