



# 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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*Changes to legislation:* There are currently no known outstanding effects for the Transport and Works Act 1992, Section 41. (See end of Document for details)

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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, Section 41.