



# Transport and Works Act 1992

## 1992 CHAPTER 42

### PART III

#### MISCELLANEOUS AND GENERAL

##### *General*

#### **66 Service of notices**

- (1) A notice or other document required or authorised to be served for the purposes of this Act may be served by post.
- (2) Where the person on whom a notice or other document to be served for the purposes of this Act is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.
- (3) For the purposes of section 7 of the Interpretation Act 1978 as it applies for the purposes of this section, the proper address of any person in relation to the service on him of a notice or document under subsection (1) above is, if he has given an address for service, that address, and otherwise—
  - (a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body;
  - (b) in any other case, his last known address at the time of service.
- (4) Where for the purposes of this Act a notice or other document is required or authorised to be served on a person as having any interest in, or as the occupier of, land and his name or address cannot be ascertained after reasonable inquiry, the notice may be served by—
  - (a) addressing it to him by name or by the description of “owner”, or as the case may be “occupier”, of the land (describing it), and
  - (b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on the land.

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*Status: This is the original version (as it was originally enacted).*

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- (5) This section shall not be taken to exclude the employment of any method of service not expressly provided for by it.
- (6) This section shall not apply to anything required or authorised to be served under section 35 above.

## 67 Interpretation

- (1) In this Act, except where the context otherwise requires—

“carriageway” has the same meaning as in the Highways Act 1980, or in Scotland the Roads (Scotland) Act 1984;

“guided transport” means transport by vehicles guided by means external to the vehicles (whether or not the vehicles are also capable of being operated in some other way);

“inland waterway” includes both natural and artificial waterways, and waterways within parts of the sea that are in Great Britain, but not any waterway managed or maintained by a person who is a harbour authority (within the meaning of the Harbours Act 1964) in relation to the waterway;

“operator”, in relation to a transport system, means any person carrying on an undertaking which includes the system or any part of it or the provision of transport services on the system;

“railway” means a system of transport employing parallel rails which—

- (a) provide support and guidance for vehicles carried on flanged wheels, and
- (b) form a track which either is of a gauge of at least 350 millimetres or crosses a carriageway (whether or not on the same level),

but does not include a tramway;

“street” means—

- (a) in England and Wales, a street within the meaning of section 48 of the New Roads and Street Works Act 1991, together with land on the verge of a street or between two carriageways;
- (b) in Scotland, a road within the meaning of section 107 of the New Roads and Street Works Act 1991, together with land on the verge of a road or between two carriageways;

“tramway” means a system of transport used wholly or mainly for the carriage of passengers and employing parallel rails which—

- (a) provide support and guidance for vehicles carried on flanged wheels, and
- (b) are laid wholly or mainly along a street or in any other place to which the public has access (including a place to which the public has access only on making a payment);

“trolley vehicle system” means a system of transport by vehicles constructed or adapted for use on roads without rails under electric power transmitted to them by overhead wires (whether or not there is in addition a source of power on board the vehicles);

“vehicle” includes mobile traction unit.

- (2) References in this Act to rights over land include references to rights to do, or to place and maintain, anything in, on or under land or in the air-space above its surface.

## **68 Repeals**

- (1) The enactments mentioned in Schedule 4 to this Act (which include spent enactments) are hereby repealed to the extent specified in the third column of that Schedule.
- (2) The repeal by this Act of the Notice of Accidents Act 1894 shall not affect section 75 of the Civil Aviation Act 1982 (by virtue of which regulations may include provisions applying section 3 of the 1894 Act).

## **69 Expenses**

There shall be paid out of money provided by Parliament—

- (a) any expenses incurred by the Secretary of State under this Act, and
- (b) any increase attributable to this Act in the sums payable out of money so provided under any other enactment.

## **70 Commencement**

- (1) The preceding sections of, and the Schedules to, this Act shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument; and different days may be appointed for different purposes.
- (2) An order under subsection (1) above may include such transitional provisions and savings as appear to the Secretary of State to be necessary or expedient.

## **71 Extent**

This Act shall not extend to Northern Ireland.

## **72 Short title**

This Act may be cited as the Transport and Works Act 1992.