
STATUTORY INSTRUMENTS

1992 No. 3144 (C.98)

**TRANSPORT AND WORKS
TRANSPORT
HIGHWAYS, ENGLAND AND WALES**

The Transport and Works Act 1992
(Commencement No. 4) Order 1992

Made - - - - 1st December 1992

The Secretary of State, in exercise of the powers conferred on him by section 70(1) and (2) of the Transport and Works Act 1992⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and interpretation

1.—(1) This Order may be cited as the Transport and Works Act 1992 (Commencement No. 4) Order 1992.

(2) In this Order, “the Act” means the Transport and Works Act 1992.

Provisions coming into force for limited purposes

2. There shall come into force on 22nd December 1992 so much of section 47(1) of and Schedule 2 to the Act (stopping up and diversion of rail crossings) as is necessary for the purpose of conferring on the Secretary of State the power to make regulations as to the making, submission, confirmation or validity of, or otherwise in relation to, rail crossing extinguishment orders or rail crossing diversion orders.

Other provisions coming into force

3. The provisions of the Act specified in the first column of the Schedule to this Order (which relate to the matters specified in the second column of that Schedule) shall come into force on 31st January 1993.

(1) 1992 c. 42.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed by authority of the Secretary of State for Transport

1st December 1992

Roger Freeman
Minister of State,
Department of Transport

Signed by authority of the Secretary of State for the Environment

1st December 1992

David Maclean
Minister of State,
Department of the Environment

SCHEDULE

Article 3

PROVISIONS COMING INTO FORCE ON 31ST JANUARY

Provisions	Subject matter
Section 41.	Approval of works, plant and equipment.
Section 42.	Functions of inspectors.
Section 47(1), in so far as it is not already in force.	Stopping up and diversion of rail crossings.
Section 47(2).	Obligation to maintain rail crossings.
Section 48.	Footpaths and bridleways over railways and tramways.
Section 51.	Amendment of Level Crossings Act 1983(2).
Section 61.	Amendment of Public Passenger Vehicles Act 1981(3).
Section 64.	Maintenance of footpaths and bridleways.
Section 68(1), in so far as it relates to the entries in Schedule 4 referred to below.	Repeals.
Schedule 2, in so far as it is not already in force.	Stopping up and diversion of footpaths and bridleways.
Part I of Schedule 4, to the extent specified in the Appendix to this Schedule.	Repeals: railways.

(2) 1983 c. 16.

(3) 1981 c. 14.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

APPENDIX

The entries relating to the following enactments mentioned in Part I of Schedule 4:

Section 3 of the Regulation of Railways Act 1871(4).

The Highways Act 1980(5).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 22nd December 1992, but only for the limited purposes specified therein, section 47(1) of and Schedule 2 to the Transport and Works Act 1992 (provisions which amend the Highways Act 1980 (c. 66) to enable the Secretary of State to make orders stopping up or diverting footpaths and bridleways crossing railways on the level).

The Order also brings into force on 31st January 1993 the following provisions of the Act—

section 41, which makes provision for the giving of approval by the Secretary of State before new works, plant or equipment may be brought into use;

section 42, which extends the powers of Her Majesty's Railway Inspectorate to all railways, tramways, trolley vehicle systems and systems using prescribed modes of guided transport;

section 47 and Schedule 2, for all remaining purposes, with sections 51 and 64 (which make consequential amendments respectively to the Level Crossings Act 1983 (c. 16) and the Highways Act 1980);

section 48, which enables the Secretary of State by order to require a railway or tramway operator to replace a footpath or bridleway level crossing with a bridge or tunnel in certain circumstances; and

section 61, which brings tramcars within the regulatory provisions of the Public Passenger Vehicles Act 1981 (c. 14).

It also brings into force certain consequential repeals referred to in section 68(1) and Schedule 4

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions have been, or will be, brought into force by Commencement Orders made prior to the date hereof:

Provisions	Date of Commencement	S.I. No.
Sections 1 to 25 (Part I) and sections 65(1)(b) (partially), (c), (d) and (f) and 68	1st January 1993.	1992/2784.

(4) 1871 c. 78 (34 & 35 Vic.).

(5) 1980 c. 66.

Provisions	Date of Commencement	S.I. No.
(partially); Schedule 1 and Schedule 4, Part I (partially).		
Sections 26 to 40 and 68(1) (partially) and Schedule 4, Part I (partially).	7th December 1992.	1992/2043.
Sections 45, 46, 49, 57 to 60, 63, 65(1)(a) and (e), 65(2), 66, 67, 68(1) (partially) and 69; Schedule 3 and Schedule 4, Part I (partially) and Part II.	15th July 1992.	1992/1347.