



Transport and Works Act 1992

1992 CHAPTER 42

PART II

SAFETY OF RAILWAYS ETC

CHAPTER II

OTHER SAFETY PROVISIONS

General

^{F1}45 Directions limiting speeds and loads.

- (1) The [^{F2}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 [^{F3}relevant enforcing authority] shall consult the person to whom [^{F4}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.

Changes to legislation: There are currently no known outstanding effects for the Transport and Works Act 1992, Section 45. (See end of Document for details)

- (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.
- [^{F5}(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.
- (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

- F1** S. 45: transfer of powers (10.5.1997) by S.I. 1997/553, **reg. 10(1)(a)**
- F2** 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)**
- F3** 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)**
- F4** 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)**
- F5** 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)

- 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 (2.2.1994) by 1993 c. 43, **s. 117(1)(6)**(with S.I. 1990/1380, **arts 3,4**); S.I. 1994/202, **art. 2**

Commencement Information

- I1** S. 45 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, Section 45.