



# Road and Rail Traffic Act 1933

1933 CHAPTER 53 23 and 24 Geo 5

## PART I

1—36. ....<sup>F1</sup>

**Textual Amendments**

**F1** Ss. 1–36 repealed by [Road Traffic Act 1960 \(c. 16\), Sch. 18](#)

## PART II

### RAILWAY TRAFFIC

37 .....<sup>F2</sup>

**Textual Amendments**

**F2** S. 37 repealed by [Transport Act 1962 \(c. 46\), s. 95\(3\), Sch. 12 Pt. I](#)

38 .....<sup>F3</sup>

**Textual Amendments**

**F3** S. 38 repealed by [Transport Charges &c. \(Miscellaneous Provisions\) Act 1954 \(c. 64\), Sch. 2 Pt. II](#)

39 .....<sup>F4</sup>

*Status: Point in time view as at 26/02/1998.*

*Changes to legislation: There are currently no known outstanding effects for the Road and Rail Traffic Act 1933. (See end of Document for details)*

**Textual Amendments**

**F4** S. 39 repealed by [Transport Act 1962 \(c. 46\)](#), s. 95(3), **Sch. 12 Pt. I**

**40** ..... <sup>F5</sup>

**Textual Amendments**

**F5** S. 40 repealed by [Statute Law Revision Act 1959 \(c. 68\)](#)

<sup>F6</sup>**41** .....

**Textual Amendments**

**F6** S. 41 repealed (5.4.1994) by [Transport and Works Act 1992 \(c. 42\)](#), ss. 68(1), **Sch. 4 Pt.I**; S.I. 1994/718, **art. 2** (with saving in **art. 3(1)**) and subject to an amendment (21.7.1994) by 1994 c. xi, s. 3(3)

**42 Amendments as to level crossings.**

- (1) The Minister, if upon an application made to him by the railway company concerned he is satisfied that it is expedient so to do, may direct that the gates on any level crossing over a public road shall, instead of being kept closed across the road, be kept closed across the railway, either constantly, or on such days, or during such portions of any day, as he thinks fit, and, if he so directs, the gates shall, notwithstanding anything in any Act (whether a public general Act or not) to the contrary, be kept closed in accordance with his direction, except when engines or vehicles passing along the railway have occasion to cross the road, and, if the person entrusted with the care of the gates fails to comply with the direction of the Minister, he shall on summary conviction be liable to a penalty of [<sup>F7</sup>level 1 on the standard scale] for each offence.
- (2) The powers conferred upon the Minister by the preceding subsection shall be deemed to be in addition to, and not in derogation of, any powers conferred upon him by section forty-seven of the <sup>M1</sup>Railways Clauses Consolidation Act 1845, or section forty of the <sup>M2</sup>Railways Clauses Consolidation (Scotland) Act 1845, or by any provision in a local and personal or private Act which relates to the closing of gates on level crossings.
- (3) So much of section forty-eight of the <sup>M3</sup>Railways Clauses Consolidation Act 1845, and of section forty-one of the <sup>M4</sup>Railways Clauses Consolidation (Scotland) Act 1845, as requires that, where a railway crosses a road to which the section in question applies on a level adjoining to a station, all trains shall be made to slacken their speed before arriving at the road, and shall not cross it at a greater rate of speed than four miles an hour, and so much of any section of a local and personal or private Act as contains provisions substantially to the like effect, shall cease to have effect.

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**Textual Amendments**

**F7** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#)

**Modifications etc. (not altering text)**

**C1** [S. 42](#) excluded (27.7.1993) by [1993 c. xv, s. 3\(3\)](#)  
[S. 42](#) amended (2.2.1994) by virtue of [1993 c. 43, ss. 117\(1\)\(6\)](#) (with [S.I. 1990/1380, arts. 3, 4](#)); [S.I. 1994/202, art. 2](#)  
[S. 42](#): power to repeal or modify conferred (2.2.1994) by [1993 c. 43, ss. 117\(4\)\(g\)\(6\)](#), [150\(1\)\(e\)](#); [S.I. 1994/202, art. 2](#)  
[S. 42](#) excluded (1.7.1994) by [S.I. 1994/1761, art. 3\(4\)](#)  
[S. 42](#) excluded (21.7.1994) by [1994 c. xi, s. 3\(3\)](#)  
[S. 42](#) excluded (21.7.1994) by [1994 c. xv, s. 3\(4\)](#)

**Marginal Citations**

**M1** [1845 c. 20.](#)  
**M2** [1845 c. 33.](#)  
**M3** [1845 c. 20.](#)  
**M4** [1845 c. 33.](#)

**F8** **43** .....

**Textual Amendments**

**F8** [S. 43](#) repealed (26.2.1998) by [Transport and Works Act 1992 \(c. 42\)](#), [ss. 68\(1\)](#), [Sch. 4 Pt.I](#); [S.I. 1998/274, art. 2, Sch.](#)

**44** ..... **F9**

**Textual Amendments**

**F9** [S. 44](#) repealed by [Statute Law Revision Act 1959 \(c. 68\)](#)

**45 Interpretation of Part II.**

In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

[<sup>F10</sup> “Carriageway” has the same meaning as in the [Roads \(Scotland\) Act 1984](#);

..... <sup>F11</sup>

“Minister” means the Minister of Transport;

[<sup>F12</sup>“Public road” has the same meaning as in the [Roads \(Scotland\) Act 1984](#);

“Railway” includes a light railway, not being a light railway which is laid wholly or mainly along [<sup>F13</sup>a public carriage way][<sup>F13</sup>the carriageway of a public road]and is used wholly or mainly for the carriage of passengers;

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“Railway company” includes any person or body of persons whether incorporated or not, being the owner or owners or lessee or lessees of, or working, a railway;

F11

**Textual Amendments**

- F10 Definition inserted (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), [Sch. 9 para. 28\(a\)](#)
- F11 Definitions repealed by [Transport Act 1962 \(c. 46\)](#), [Sch. 12 Pt. I](#)
- F12 Definition inserted (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), [Sch. 9 para. 28\(b\)](#)
- F13 Words “the carriageway of a public road” substituted (S.) for “a public carriageway” by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), [Sch. 9 para. 28\(c\)](#)

**PART III**

**GENERAL**

46 ..... F14

**Textual Amendments**

- F14 [S. 46](#) repealed by [Transport Act 1947 \(c. 49\)](#), [Sch. 15 Pt. I](#)

**47 Inquiries by Minister.**

- (1) The Minister of Transport (in this section referred to as “the Minister”) may hold inquiries for the purposes of this Act or of the <sup>M5</sup>Road Traffic Act 1930 (including appeals to him under either of those Acts) as if those purposes were purposes of the <sup>M6</sup>Ministry of Transport Act 1919, and section twenty of that Act shall apply accordingly.
- (2) Where any such inquiry is held, the Minister may make such order as to the payment of the costs incurred by him in connection with the inquiry (including such reasonable sum not exceeding [<sup>F15</sup>£30] a day as he may determine for the services of any officer engaged in the inquiry) by such party to the inquiry as he thinks fit, and the Minister may certify the amount of the costs so incurred, and any amount so certified and directed by the Minister to be paid by any person shall be recoverable from him either as a debt due to the Crown or by the Minister summarily as a civil debt.

(3) ..... F16

**Textual Amendments**

- F15 Words substituted by [S.I. 1968/656](#), [Sch.](#)
- F16 [Ss. 47\(3\), 48, 49\(2\)](#) repealed by [Statute Law Revision Act 1950 \(c. 6\)](#)

**Modifications etc. (not altering text)**

- C2 Power to amend s. 47(2) conferred by [Public Expenditure and Receipts Act 1968 \(c. 14\)](#), s. 5(1), [Sch. 3 para. 5](#)

*Status: Point in time view as at 26/02/1998.*

**Changes to legislation:** *There are currently no known outstanding effects for the Road and Rail Traffic Act 1933. (See end of Document for details)*

**Marginal Citations**

**M5** 1930 c. 43.

**M6** 1919 c. 50.

**48** ..... **F17**

**Textual Amendments**

**F17** Ss. 47(3), 48, 49(2) repealed by Statute Law Revision Act 1950 (c. 6)

**49 Short title, commencement and extent**

(1) This Act may be cited as the Road and Rail Traffic Act 1933.

(2) ..... **F18**

(3) This Act shall not extend to Northern Ireland.

**Textual Amendments**

**F18** Ss. 47(3), 48, 49(2) repealed by Statute Law Revision Act 1950 (c. 6)

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Road and Rail Traffic Act 1933.