



Transport and Works Act 1992

1992 CHAPTER 42

PART II

SAFETY OF RAILWAYS ETC

CHAPTER I

OFFENCES INVOLVING DRINK OR DRUGS

Principal offences

27 Offences involving drink or drugs on transport systems.

- (1) If a person works on a transport system to which this Chapter applies—
 - (a) as a driver, guard, conductor or signaller or in any other capacity in which he can control or affect the movement of a vehicle, or
 - (b) in a maintenance capacity or as a supervisor of, or look-out for, persons working in a maintenance capacity,when he is unfit to carry out that work through drink or drugs, he shall be guilty of an offence.
- (2) If a person works on a transport system to which this Chapter applies—
 - (a) as a driver, guard, conductor or signaller or in any other capacity in which he can control or affect the movement of a vehicle, or
 - (b) in a maintenance capacity or as a supervisor of, or look-out for, persons working in a maintenance capacity,after consuming so much alcohol that the proportion of it in his breath, blood or urine exceeds the prescribed limit, he shall be guilty of an offence.
- (3) For the purposes of this section, a person works on a transport system in a maintenance capacity if his work on the system involves maintenance, repair or alteration of—
 - (a) the permanent way or other means of guiding or supporting vehicles,

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

- (b) signals or any other means of controlling the movement of vehicles, or
 - (c) any means of supplying electricity to vehicles or to the means of guiding or supporting vehicles,
- or involves coupling or uncoupling vehicles or checking that they are working properly before they are used on any occasion.
- (4) For the purposes of subsection (1) above, a person shall be taken to be unfit to carry out any work if his ability to carry out that work properly is for the time being impaired.

Commencement Information

I1 Pt. II Ch. 1 (ss. 26-40) wholly in force at 7. 12. 1992 see s. 70 and S.I. 1992/2043, art. 2(a).

28 Offences by operators of transport systems.

- (1) If a person commits an offence under section 27 above, the responsible operator shall also be guilty of an offence.
- (2) In this section “the responsible operator” means—
- (a) in a case where the transport system on which the offence under section 27 above is committed has only one operator, that operator;
 - (b) in a case where the transport system on which the offence under section 27 above is committed has more than one operator, whichever of them is responsible for the work giving rise to the offence.
- (3) No offence is committed under subsection (1) above if the responsible operator has exercised all due diligence to prevent the commission on the transport system of any offence under section 27 above.
- (4) If a person commits an offence under section 27 above in the course of his employment with a person other than the responsible operator, his employer shall (without prejudice to any liability of that operator under subsection (1) above) also be guilty of an offence.
- (5) No offence is committed under subsection (4) above if the employer has exercised all due diligence to prevent the commission on the transport system by any of his employees of any offence under section 27 above.

Commencement Information

I2 Pt. II Ch. 1 (ss. 26-40) wholly in force at 7. 12. 1992 see s. 70 and S.I. 1992/2043, art. 2(a).

Changes to legislation:

There are currently no known outstanding effects for the Transport and Works Act 1992, Cross
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