



# Transport Act 1981

## 1981 CHAPTER 56

### PART V

#### MISCELLANEOUS AND GENERAL

##### *Miscellaneous*

#### **32 Road humps**

- (1) The provisions of Schedule 10 have effect with respect to road humps.
- (2) This section and Schedule 10 come into force on such day as the Secretary of State may appoint by order made by statutory instrument, and different days may be so appointed for different purposes.

#### **33 New basis of vehicle excise duty for goods vehicles**

- (1) The duty payable under section 1 of the 1971 Act in respect of goods vehicles on licences taken out on or after such day as Parliament may hereafter determine shall be charged in accordance with the following provisions of this section.
- (2) The factors determining the rates of the duty to be charged in respect of goods vehicles of an unladen weight exceeding 30 hundredweight which fall within both—
  - (a) a class to which the Plating and Testing Regulations apply; and
  - (b) a description in the Tables set out in Part I of Schedule 11 to this Act,shall be those shown in those Tables and, if or to the extent that Parliament so determines, the additional factors set out in Part II of that Schedule.
- (3) The rate of duty to be charged in respect of goods vehicles of an unladen weight exceeding 30 hundredweight which do not fall within a class to which the Plating and Testing Regulations apply shall be the lowest rate which would be chargeable in accordance with Table 1 in Part I of Schedule 11 to this Act if duty were so chargeable.

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- (4) The rates of duty to be charged in respect of goods vehicles of an unladen weight exceeding 30 hundredweight which do not comply with Construction and Use Regulations but are authorised by an order under section 42 of the 1972 Act to be used on roads shall be—
- (a) if they fall within a class specified by an order of the Secretary of State made for the purposes of this paragraph, the highest rate that would be chargeable in accordance with Table 2 in Part I of Schedule 11 to this Act if duty were so chargeable ; and
  - (b) in any other case, the lowest rate which would be chargeable in accordance with Table 1 in that Part of that Schedule if duty were so chargeable.
- (5) The rates of duty chargeable in respect of showman's goods vehicles and farmer's goods vehicles (both as defined in Schedule 4 to the 1971 Act) of an unladen weight exceeding 30 hundredweight shall be percentages of a rate or rates chargeable in accordance with the Tables in Part I of Schedule 11 to this Act.
- (6) Duty in respect of vehicles of an unladen weight not exceeding 30 hundredweight shall be charged in accordance with Schedule 5 to the 1971 Act.
- (7) An order for the purposes of subsection (4)(a) above shall be made by statutory instrument, but no such order shall be made unless a draft of it has been laid before Parliament and approved by resolution of each House of Parliament.

#### **34 Interpretation of s. 33 and Schedule 11**

- (1) In section 33 and Schedule 11—

" articulated vehicle" means a mechanically propelled vehicle to which a trailer may be attached so that part of the trailer is superimposed upon the vehicle and when the trailer is uniformly loaded not less than twenty per cent of the weight of its load is borne by the vehicle;

"goods vehicle" means a mechanically propelled vehicle constructed or adapted for use and used for the conveyance of goods or burden of any description;

" the Construction and Use Regulations " means regulations under section 40 of the 1972 Act;

" the Plating and Testing Regulations " means regulations under section 45 of the 1972 Act;

" rigid goods vehicle " means a goods vehicle which is not an articulated vehicle;

"the 1971 Act" means the Vehicles (Excise) Act 1971; and

"the 1972 Act" means the Road Traffic Act 1972.

- (2) For the purposes of this section, section 33 and Schedule 11—

(a) the gross weight of any vehicle is the maximum laden weight for the vehicle as shown on the relevant plate; and

(b) the train weight of an articulated vehicle is the maximum laden weight for the vehicle together with any trailer which may be drawn by it, as shown on the relevant plate;

and the relevant plate is the plate with which the vehicle is required to be equipped by the Construction and Use Regulations and, if so required to be equipped with a plate showing particulars determined under the Plating and Testing Regulations, that plate.

- (3) The Secretary of State may by regulations—
  - (a) substitute different definitions for those contained in subsection (2); and
  - (b) require axles of such descriptions as may be specified in the regulations to be disregarded for all or any of the purposes of Schedule 11.
- (4) Regulations under subsection (3) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### **35 Charges for licensing of cabs and cab drivers**

- (1) In section 6 of the Metropolitan Public Carriage Act 1869 (licensing of cabs) the words "at such price" are omitted and for the words from "such uniform sum" to "prescribe" there are substituted the words "such sum as the person granting the licence may, with the approval of the Secretary of State, determine, and different sums may be so determined with respect to different descriptions of vehicle".
- (2) In section 8 of the Metropolitan Public Carriage Act 1869 (licensing of cab drivers) the words "at such price" are omitted and for the words from "such sum" to "prescribe" there are substituted the words "such sum as the person granting the licence may, with the approval of the Secretary of State, determine, and different sums may be so determined with respect to different descriptions of licence".
- (3) Where section 70 of the Local Government (Miscellaneous Provisions) Act 1976 (fees for vehicle and operator's licences) is not in force in the area of a district council, the sums to be paid for a licence granted by the council under section 37 of the Town Police Clauses Act 1847 (licensing of cabs outside London) shall be such as the council may determine, and different sums may be so determined with respect to different descriptions of vehicle; and the sums so determined shall be such as appear to the council to be sufficient in the aggregate to cover in whole or in part—
  - (a) the reasonable cost of the carrying out by or on behalf of the district council of inspections of hackney carriages for the purpose of determining whether any such licence should be granted or renewed;
  - (b) the reasonable cost of providing hackney carriage stands; and
  - (c) any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages.
- (4) This section does not extend to Scotland.
- (5) This section comes into force on such day as the Secretary of State may by order made by statutory instrument, appoint, and different days may be so appointed for different purposes.

### **36 Grants to assist the provision of facilities for freight haulage by inland waterway**

- (1) Where it appears to the Secretary of State that it would be in the interests of any locality or of all or some of its inhabitants for facilities to be provided in that locality or elsewhere for or in connection with the carriage of freight by inland waterway or the loading or unloading of freight carried or intended to be carried by inland waterway, he may make grants in accordance with this section towards the provision of such facilities.
- (2) Grants under this section shall be made towards capital expenditure which is to be incurred in providing such facilities, and the facilities may, without prejudice to the

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generality of subsection (1) above, include cargo-carrying craft, inland waterway terminals, depots, access roads and equipment for use in connection with the carriage, loading or unloading of freight.

- (3) Grants under this section shall be made in pursuance of an application made to the Secretary of State by the person who intends to provide the facilities and shall be supported by evidence that the navigation authority have given that person their approval for the provision by him of the facilities to which the application relates.
- (4) The Secretary of State may, in making a grant under this section, impose such terms and conditions as he thinks fit.

### **37 Railway etc. byelaws: increase in penalties**

In section 67 of the Transport Act 1962 (byelaws for railways and railway shipping services) for subsection (3) there is substituted the following subsection—

- “(3) Any byelaws made under this section may provide—
- (a) in the case of byelaws made by virtue of subsection (1) above, that any person contravening them shall be liable on summary conviction to a penalty not exceeding £200 for each offence ; and
  - (b) in the case of byelaws made by virtue of subsection (2) above, that any person contravening them shall be liable on summary conviction to a fine not exceeding £50 for each offence and, in the case of such a contravention which continues after conviction, to a fine not exceeding £10 for each day on which the offence so continues.”.

### **38 Fires caused by railway engines**

- (1) In section 1 of the Railway Fires Act 1905 (liability of railway companies to make good damage to crops caused by their engines), in subsection (3) for the words " two hundred pounds " there is substituted " £3,000 or such greater sum as may for the time being be prescribed by order made by the Secretary of State " ; and after that subsection there is inserted the following—

“(3A) An order under subsection (3) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3B) In the application of subsection (3) above to Northern Ireland for the reference to the Secretary of State there shall be substituted a reference to the Department of the Environment for Northern Ireland and any order made by the Department under that subsection—

- (a) shall be made by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979; and
  - (b) shall be subject to negative resolution as defined by section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if it were a statutory instrument within the meaning of that Act.”
- (2) In section 2 of the Railway Fires Act (1905) Amendment Act 1923 the words " not exceeding the said sum of two hundred pounds " are hereby repealed.

### **39 Amendment of Schedules 7 and 8 to the Public Passenger Vehicles Act 1981**

In the Public Passenger Vehicles Act 1981—

- (a) in Schedule 7 (consequential amendments), paragraph 24 is omitted;
- (b) in Schedule 8 (repeals)—
  - (i) in the entry relating to the Transport Act 1968 the words " In section 145, subsection (2)" are omitted, and
  - (ii) in the entry relating to the Transport Act 1980 after the words " In Schedule 5, Part I" there are inserted the words " (except paragraph 13) " and for the words " the Minibus Act 1977 and the Transport Act 1978 " there are substituted the words " and the Minibus Act 1977 and paragraphs 2 to 4 of the entry-relating to the Transport Act 1978. ".