



# Transport and Works Act 1992

## 1992 CHAPTER 42

### PART III

#### MISCELLANEOUS AND GENERAL

##### *General*

#### **66 Service of notices.**

- (1) A notice or other document required or authorised to be served for the purposes of this Act may be served by post.
- (2) Where the person on whom a notice or other document to be served for the purposes of this Act is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.
- (3) For the purposes of section 7 of the <sup>M1</sup>Interpretation Act 1978 as it applies for the purposes of this section, the proper address of any person in relation to the service on him of a notice or document under subsection (1) above is, if he has given an address for service, that address, and otherwise—
  - (a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body;
  - (b) in any other case, his last known address at the time of service.
- (4) Where for the purposes of this Act a notice or other document is required or authorised to be served on a person as having any interest in, or as the occupier of, land and his name or address cannot be ascertained after reasonable inquiry, the notice may be served by—
  - (a) addressing it to him by name or by the description of “owner”, or as the case may be “occupier”, of the land (describing it), and
  - (b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on the land.

*Status: Point in time view as at 04/07/1996. This version of this cross heading contains provisions that are prospective.*

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- (5) This section shall not be taken to exclude the employment of any method of service not expressly provided for by it.
- (6) This section shall not apply to anything required or authorised to be served under section 35 above.

#### Commencement Information

**II** S. 66 wholly in force at 15. 7. 1992 see s. 70 and S.I. 1992/1347, art. 2, Sch.

#### Marginal Citations

**M1** 1978 c. 30.

PROSPECTIVE

## 67 Interpretation.

- (1) In this Act, except where the context otherwise requires—
- “carriageway” has the same meaning as in the <sup>M2</sup>Highways Act 1980, or in Scotland the <sup>M3</sup>Roads (Scotland) Act 1984;
- “guided transport” means transport by vehicles guided by means external to the vehicles (whether or not the vehicles are also capable of being operated in some other way);
- “inland waterway” includes both natural and artificial waterways, and waterways within parts of the sea that are in Great Britain, but not any waterway managed or maintained by a person who is a harbour authority (within the meaning of the <sup>M4</sup>Harbours Act 1964) in relation to the waterway;
- “operator”, in relation to a transport system, means any person carrying on an undertaking which includes the system or any part of it or the provision of transport services on the system;
- “railway” means a system of transport employing parallel rails which—
- (a) provide support and guidance for vehicles carried on flanged wheels, and
  - (b) form a track which either is of a gauge of at least 350 millimetres or crosses a carriageway (whether or not on the same level),
- but does not include a tramway;
- “street” means—
- (a) in England and Wales, a street within the meaning of section 48 of the <sup>M5</sup>New Roads and Street Works Act 1991, together with land on the verge of a street or between two carriageways;
  - (b) in Scotland, a road within the meaning of section 107 of the New Roads and Street Works Act 1991, together with land on the verge of a road or between two carriageways;
- “tramway” means a system of transport used wholly or mainly for the carriage of passengers and employing parallel rails which—
- (a) provide support and guidance for vehicles carried on flanged wheels, and
  - (b) are laid wholly or mainly along a street or in any other place to which the public has access (including a place to which the public has access only on making a payment);

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“trolley vehicle system” means a system of transport by vehicles constructed or adapted for use on roads without rails under electric power transmitted to them by overhead wires (whether or not there is in addition a source of power on board the vehicles);

“vehicle” includes mobile traction unit.

- (2) References in this Act to rights over land include references to rights to do, or to place and maintain, anything in, on or under land or in the air-space above its surface.

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

- C1** Definition in s. 67(1) applied (12.1.2000) by 1999 c. 29, s. 239(1) (with Sch 12 para 9(1))  
Definition in s. 67(1) applied (*prosp.*) by 1999 c. 29, ss. 163(8), 425(2) (with Sch. 12 para 9(1))  
Definition in s. 67(1) applied (*prosp.*) by 1999 c. 29, ss. 207(8), 425(2) (with Sch. 12 para 9(1))  
Definition in s. 67(1) applied (*prosp.*) by 1999 c. 29, ss. 245, 425(2), Sch. 17 para. 9(11) (with Sch. 12 para. 9(1))

#### Commencement Information

- I2** S. 67 wholly in force at 15. 7. 1992 see s. 70 and S.I. 1992/1347, art. 2, Sch.

#### Marginal Citations

- M2** 1980 c. 66.  
**M3** 1984 c. 54.  
**M4** 1964 c. 40.  
**M5** 1991 c. 22.

## 68 Repeals.

- (1) The enactments mentioned in Schedule 4 to this Act (which include spent enactments) are hereby repealed to the extent specified in the third column of that Schedule.
- (2) The repeal by this Act of the <sup>M6</sup>Notice of Accidents Act 1894 shall not affect section 75 of the <sup>M7</sup>Civil Aviation Act 1982 (by virtue of which regulations may include provisions applying section 3 of the 1894 Act).

#### Commencement Information

- I3** S. 68 partly in force; s. 68 not in force at Royal Assent see s. 70(1); s. 68(1) in force at 15. 7. 1992 in so far as it relates to specified provisions of Sch. 4 (subject to restrictions affecting certain Orders) by S.I. 1992/1347, arts. 2, 3, Sch.;
- S. 68(1) in force at 7. 12. 1992 in so far as it relates to specified provisions of Sch. 4 by S.I. 1992/2043, art. 2(b)(c);
- S. 68 in force at 1. 1. 1993 in so far as it relates to specified provisions of Sch. 4 by S.I. 1992/2784, art. 2, Schs. 1, 2;
- S. 68(1) in force at 31. 1. 1993 in so far as it relates to specified provisions of Sch. 4 by S.I. 1992/3144, art. 3, Sch.;
- S. 68(1) in force at 5.4.1994 in so far as it relates to specified provisions of Sch. 4 by S.I. 1994/718, art. 2, Sch.;
- S. 68(1) in force at 8.7.1996 in so far as it relates to specified provisions of Sch. 4 by S.I. 1996/1609, art. 2, Sch.;

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S. 68(1) in force at 26.2.1998 in so far as it relates to specified provisions of Sch. 4 by S.I. 1998/274, art. 2, Sch.

#### Marginal Citations

- M6** 1894 c. 28.  
**M7** 1982 c. 16.

## 69 Expenses.

There shall be paid out of money provided by Parliament—

- (a) any expenses incurred by the Secretary of State under this Act, and
- (b) any increase attributable to this Act in the sums payable out of money so provided under any other enactment.

#### Commencement Information

- I4** S. 69 wholly in force at 15. 7. 1992 see s. 70 and S.I. 1992/1347, art. 2, Sch.

## 70 Commencement.

- (1) The preceding sections of, and the Schedules to, this Act shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument; and different days may be appointed for different purposes.
- (2) An order under subsection (1) above may include such transitional provisions and savings as appear to the Secretary of State to be necessary or expedient.

#### Subordinate Legislation Made

- P1** S. 70 power partly exercised (8. 6. 1992): 15. 7. 1992 appointed for specified provisions by S.I. 1992/1347, art. 2, Sch.  
 S. 70 power partly exercised (27. 8. 1992): 7. 12. 1992 appointed for specified provisions by S.I. 1992/2043, art. 2.  
 S. 70 power partly exercised (6. 11. 1992): 1. 1. 1993 appointed for specified provisions by S.I. 1992/2784, art. 2, Schs. 1, 2.  
 S. 70 power partly exercised (1. 12. 1992): 22. 12. 1992 and 31. 1. 1993 appointed for specified provisions by S.I. 1992/3144, arts. 2, 3, Sch.

## 71 Extent.

This Act shall not extend to Northern Ireland.

## 72 Short title.

This Act may be cited as the Transport and Works Act 1992.

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