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STATUTORY INSTRUMENTS

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**1994 No. 718 (C.14)**

**TRANSPORT**

**The Transport and Works Act 1992 (Commencement  
No. 5 and Transitional Provisions) Order 1994**

*Made - - - - 10th March 1994*

The Secretary of State for Transport, in exercise of the powers conferred on him by section 70(1) and (2) of the Transport and Works Act 1992<sup>(1)</sup>, hereby makes the following Order:—

**Citation and interpretation**

1.—(1) This Order may be cited as the Transport and Works Act 1992 (Commencement No. 5 and Transitional Provisions) Order 1994.

(2) In this Order “the Act” means the Transport and Works Act 1992.

**Provisions coming into force**

2. The provisions of the Act specified in the first column of the Schedule to this Order (which relate to matters specified in the second column of that Schedule) shall come into force on 5th April 1994.

**Transitional provisions**

3.—(1) The repeal of the provisions of section 25 of the Tramways Act 1870<sup>(2)</sup> effected by this Order shall not affect the operation of those provisions in relation to a tramway in respect of which notice of intention to open it, or a portion of it, pursuant to rule XXV of the Board of Trade Rules<sup>(3)</sup> dated January 1892, with respect to Provisional Orders and other Matters under the Tramways Act 1870, has been received by the Secretary of State prior to 5th April 1994.

(2) The repeal of section 41 of the Road and Rail Traffic Act 1933<sup>(4)</sup> shall not affect the operation of that section in relation to an application made pursuant to subsection (1) thereof for approval of any proposal to which that subsection relates, where the application has been received by the Secretary of State prior to 5th April 1994.

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(1) 1992 c. 42.  
(2) 1870 c. 78.  
(3) S.R. & O. Rev.XXIII p.263.  
(4) 1933 c. 53.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Signed by authority of the Secretary of State for Transport

10th March 1994

*Roger Freeman*  
Minister of State,  
Department of Transport

SCHEDULE

Article 2

PROVISIONS OF THE ACT COMING INTO FORCE

<i>Provisions of the Act</i>	<i>Subject matter of provisions</i>
In section 65(1)(b), the words “in section 25, the words “and shall not be opened” onwards,”.	Enactment to cease to have effect.
Section 68(1) in so far as it relates to the entries in Schedule 4 referred to below.	Repeal of enactments.
In Part I of Schedule 4—  in the entry relating to the Tramways Act 1870, the words “In section 25, the words “and shall not be opened” onwards.”;	Repeal of enactments.
the entry relating to section 41 of the Road and Rail Traffic Act 1933;	
the entry relating to section 125(4) of the Transport Act 1968(5).	

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order brings into force on 5th April 1994 provisions of the Transport and Works Act 1992 (“the Act”) which repeal part of section 25 of the Tramways Act 1870 and section 41 of the Road and Rail Traffic Act 1933. These enactments require the approval of the Secretary of State for Transport to be obtained before the opening for the public conveyance of passengers of certain tramway and railway works.

These Enactments are superseded by more comprehensive provisions contained in the Railways and Other Transport Systems (Approval of Works, Plant and Equipment) Regulations 1994 (S.I.1994/157) made under section 41 of the Act.

The Order contains transitional provisions which preserve the effect of notices given or applications made pursuant to the enactments repealed provided that the notices or applications have been received by the Secretary of State prior to the coming into force of the Order.

The Order also repeals section 125(4) of the Transport Act 1968, a definition provision which is no longer needed.

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(5) 1968 c. 73.

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## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Act have been brought into force by Commencement Orders made prior to the date hereof:

<i>Provisions</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 to 25 (Part I) and sections 65(1)(b) (partially), (c), (d) and (f) and 68 (partially); Schedule 1 and Schedule 4, Part I (partially).	1st January 1993	1992/2784
Sections 26 to 40 and 68(1) (partially); Schedule 4, Part I (partially).	7th December 1992	1992/2043
Sections 41, 42, 47(1) (partially), 47(2), 48, 51, 61, 64 and 68(1) (partially); Schedule 2 (partially) and Schedule 4, Part I (partially).	31st January 1993	1992/3144
Sections 45, 46, 49, 57 to 60, 63, 65(1)(a) and (e), 65(2), 66, 67, 68(1) (partially) and 69; Schedule 3 and Schedule 4, Part I (partially) and Part II.	15th July 1992	1992/1347
Section 47(1) (partially); Schedule 2 (partially).	22nd December 1992	1992/3144