

ELIZABETH II



Level Crossings Act 1983

1983 CHAPTER 16

An Act to make further provision about level crossings.

[9th May 1983]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) Subject to the following provisions of this section, the Secretary of State may, in relation to any place where a railway crosses a road on a level (in this section referred to as a “level crossing”), by order provide for the protection of those using the level crossing. Safety arrangements at level crossings.

(2) An order under this section may make such provision as the Secretary of State considers necessary or expedient for the safety or convenience of those using the crossing; and, in particular—

- (a) may require any such barriers or other protective equipment as may be specified in the order to be provided at or near the crossing, and to be maintained and operated, in accordance with the order; and
- (b) may impose requirements as to the operation of the railway at or near that crossing.

(3) While an order is in force under this section in relation to a level crossing—

- (a) it shall be the duty of the operator of the crossing to ensure that the order is complied with; and

(b) subject to any exceptions specified in the order, any provision made by or under any enactment as to the crossing (or level crossings including that crossing) and imposing requirements as to barriers or other protective equipment at or near the crossing, the supervision of the crossing (including the provision of buildings for the purposes of supervision) or the operation of the railway at or near the crossing shall not apply in relation to the crossing.

1967 c. 76.

(4) Nothing in subsection (3)(b) above affects any provision as to traffic signs made under the Road Traffic Regulation Act 1967; but a traffic sign placed on or near a road in pursuance of an order under this section shall be treated for the purposes of section 54(4) of that Act as having been placed as provided by that Act.

(5) An order under this section—

(a) may be varied or revoked by a subsequent order under this section; and

(b) may include requirements as to equipment provided before the making of the order.

(6) The Secretary of State may not make an order under this section in respect of a level crossing (other than an order revoking a previous order) unless requested to do so by the operator of the crossing.

(7) A request under subsection (6) above must be accompanied by a draft of the order which the operator desires the Secretary of State to make.

(8) Before making such a request, the operator must give written notice of his intention to do so to each local authority in whose area the level crossing is situated; and the notice—

(a) must be accompanied by a copy of the draft order which the operator intends to submit to the Secretary of State; and

(b) must specify the period (not being less than two months) within which the local authority may make representations to the Secretary of State in respect of the request.

(9) The Secretary of State must consider any representations in respect of the request made by such a local authority within the period specified in accordance with subsection (8)(b) above and may then, if he decides to make the order, make it in accordance with the draft submitted to him or with such modifications as he thinks fit.

(10) This section applies where a Government department is operating a railway at a level crossing as it applies in other cases.

(11) In this section—

“ barrier ” includes gate;

“ local authority ”, in relation to England and Wales, means any council of a county, district or London borough, the Greater London Council and the Common Council of the City of London and, in relation to Scotland, means any regional, islands or district council;

“ operator ”, in relation to a crossing, means the person for the time being operating the railway at the crossing;

“ protective equipment ” includes lights, traffic signs and telephone and television equipment;

“ road ” means any highway or other road to which the public has access; and

“ traffic sign ” has the same meaning as in the Road Traffic 1967 c. 76. Regulation Act 1967.

2.—(1) This Act may be cited as the Level Crossings Act 1983. Short title, commence-

(2) This Act shall come into force at the end of the period of ment and extent. three months beginning with the day on which it is passed.

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

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