

Explanatory Memorandum To
The Level Crossing (Bellarena) Order
(Northern Ireland) 2016

S.R. 2016 No. 402

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department for Infrastructure to accompany the Level Crossing (Bellarena) Order (Northern Ireland) 2016 which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under powers conferred by section 66(1) and (2) of the Transport Act (Northern Ireland) 1967 and is subject to negative resolution procedure before the Assembly.

2. Purpose

- 2.1 This Order provides for the provision and maintenance of manually controlled barriers supervised by closed circuit television at Bellarena in the Townland of Oughtmoyle and the county of Londonderry whereby the road known as Seacoast Road is crossed by the railway between Londonderry and Castlerock stations.

3. Background

- 3.1 Northern Ireland Railways (NIR) is required to make application to the Department in accordance with section 66(4) of the Transport Act (NI) 1967 when seeking to introduce a Public Level Crossing made under that Act. The Act requires the Department to make a new Order for the level crossing and to take account of the requirements for its operational implementation.

3.2 This Order allows for the provision and maintenance of manually controlled barriers supervised by closed circuit television at Bellarena. The Order reflects the operational requirements.

3.3 Section 47 of the Railways Clauses Consolidation Act 1854 (which requires the railway undertaking to provide gates and gatekeepers), section 6 of the Railway Clauses Act 1863 (requirements as to lodges etc.) and any other provision imposing requirements to the same or similar effect shall not apply to the crossing while this Order remains in force.

4. Consultation

4.1 The Department has completed an extensive consultation exercise in relation to the Statutory Rule. One response was received and the Department has formally responded.

5. Equality Impact

5.1 As part of the consultation on these legislative proposals the Department has written to all those parties in accordance with the Departments Equality Scheme. The Consultees attention was drawn to the Section 75 criteria and their views sought on any potential impacts that may arise from the implementation of these legislative proposals. The Department has considered the proposed legislative provisions against the Section 75 criteria and the responses to the consultation process and in conjunction with the Equality Unit and the Human Rights Unit has screened out the requirement for an Equality Impact Assessment in relation to these legislative proposals.

6. Regulatory Impact

6.1 The Department has considered the proposed legislative provisions against the criteria for regulatory impact and concluded that this is not required for these legislative proposals.

7. Financial Implications

7.1 There are no significant financial implications arising from the proposals and a regulatory impact assessment is not required.

8. Section 24 of the Northern Ireland Act 1998

8.1 There are no implications arising in relation to Section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1 None.

10. Parity or Replicatory Measure

10.1 Not applicable to this Statutory Rule.

11. Additional Information

11.1 The Provisions of the Order are as follows –

Regulation 3 provides for the provision of equipment at Bellarena railway crossing.

Regulation 4 revokes the Northern Ireland Railways (Bellarena Level Crossing) Order (Northern Ireland 1992).

Schedule 1 provides particulars of the barriers, lights, traffic signs and other devices.

Schedule 2 provides conditions and requirements to be complied with by the Railway undertaking.

Department for Infrastructure