



# Transport Act 1968

## 1968 CHAPTER 73

### PART VIII

#### BRIDGES, LEVEL CROSSINGS, ETC.

##### *Level crossings*

#### 123 Power of highway and other authorities to contribute to cost of barriers, etc., at level crossings. **E+W**

- (1) Contributions to the expenses incurred by the Railways Board [<sup>F1</sup>or a network owner] in providing lifting or other barriers, lights, signs, or other devices or appliances for the protection or convenience of the public at or near any level crossing where a road is crossed by a railway of the Board [<sup>F1</sup>, or, as the case may be, by a railway comprised in a transferred network or a new network of that network owner,] may be made by—
- (a) the highway authority, if any, for that road; [<sup>F2</sup>and
  - (b) any local authority, not being the highway authority, in whose area the level crossing is situated.]
- (2) In this section “local authority” means, as respects England and Wales, the council of a county, . . . <sup>F3</sup> London borough or county [<sup>F4</sup>district]. . . <sup>F5</sup> and the Common Council of the City of London [<sup>F6</sup>and “network owner”, “new network” and “transferred network” shall be given the meanings in section 122(5) above,] and, as respects Scotland, a county council and a town council.

#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F1** Words in s. 123(1) inserted (20.3.1996) by S.I. 1996/420, art. 2 Sch. para. 7(i)

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- F2** Words repealed (S.) by Local Government (Scotland) Act 1973 (c. 65), **Sch. 29** and repealed (E.W.S.) by Transport Act 1985 (c. 67, SIF 126), s. 57(6), **Sch. 3 para. 21(3)(b)**
- F3** Words repealed by Local Government Act 1972 (c. 70, SIF 81:1), **Sch. 30**
- F4** Word substituted by virtue of Local Government Act 1972 (c. 70, SIF 81:1), **s. 179(3)**
- F5** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, **Sch. 17**
- F6** Words in s. 123(2) inserted (20.3.1996) by S.I. 1996/420, **art. 2 Sch. para. 7(ii)**

## 123 Power of highway and other authorities to contribute to cost of barriers, etc., at level crossings. **S**

- (1) Contributions to the expenses incurred by the Railways Board [<sup>F16</sup>or a network owner] in providing lifting or other barriers, lights, signs, or other devices or appliances for the protection or convenience of the public at or near any level crossing where a road is crossed by a railway of the Board [<sup>F16</sup>, or, as the case may be, by a railway comprised in a transferred network or a new network of that network owner,] may be made by—
- (a) the [<sup>F17</sup>highway] authority, if any, for that road; [<sup>F18</sup>and
  - (b) any local authority, not being the highway authority, in whose area the level crossing is situated.]
- (2) In this section “local authority” means, as respects England and Wales, the council of a county, . . . <sup>F19</sup> London borough or county [<sup>F20</sup>district]. . . <sup>F21</sup> and the Common Council of the City of London [<sup>F22</sup>and “network owner”, “new network” and “transferred network” shall be given the meanings in section 122(5) above,] and, as respects Scotland, a [<sup>F23</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994].

### Textual Amendments

- F16** Words in s. 123(1) inserted (20.3.1996) by S.I. 1996/420, **art. 2 Sch. para. 7(i)**
- F17** Word “roads” substituted (S.) (1.1.1985) for word “highway” by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 157(2), **Sch. 9 para. 66(8)**
- F18** Words repealed (S.) by Local Government (Scotland) Act 1973 (c. 65), **Sch. 29** and repealed (E.W.S.) by Transport Act 1985 (c. 67, SIF 126), s. 57(6), **Sch. 3 para. 21(3)(b)**
- F19** Words repealed by Local Government Act 1972 (c. 70, SIF 81:1), **Sch. 30**
- F20** Word substituted by virtue of Local Government Act 1972 (c. 70, SIF 81:1), **s. 179(3)**
- F21** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, **Sch. 17**
- F22** Words in s. 123(2) inserted (20.3.1996) by S.I. 1996/420, **art. 2 Sch. para. 7(ii)**
- F23** Words in s. 123(2) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 80(10)**; S.I. 1996/323, **art. 4(1)(b)(c)**

## 124 Board’s obligations at level crossings with roads other than public carriage roads.

- (1) The Minister may by order require the Railways Board [<sup>F7</sup>or a network owner]—
- (a) to provide, maintain and operate, at or near any level crossing where a road other than a [<sup>F8</sup>public carriage][<sup>F8</sup>carriageway of a public] road is crossed by a railway of the Board, [<sup>F7</sup>or, as the case may be, a railway comprised in a transferred network or a new network of that network owner,] such lifting or other barriers, lights, signs or other devices or appliances; and
  - (b) to comply with such other requirements in relation to the level crossing,

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as he considers necessary or desirable for the protection or convenience of the public.

- (2) The obligations imposed on the Board [<sup>F9</sup>or a network owner] in respect of any level crossing by an order under this section shall be in substitution for any obligations imposed on them [<sup>F9</sup>or it] in respect of that crossing by section 68 of the <sup>M1</sup>Railways Clauses Consolidation Act 1845 (which requires gates and other works to be provided for the benefit of adjacent land), section 60 of the <sup>M2</sup>Railways Clauses Consolidation (Scotland) Act 1845 (which makes corresponding provision for Scotland) or any other enactment for purposes similar to either of those sections.
- (3) Not less than two months before making an order under this section in respect of any level crossing (other than an order varying or revoking a previous order under this section) the Minister shall send a draft of the proposed order to the Board [<sup>F10</sup>, or, as the case may be, the network owner in question,] and to each local authority in whose area the level crossing is situated, and if the Board [<sup>F10</sup>, or, as the case may be, the network owner in question,] or any such authority makes representations to the Minister with respect to the proposed order he shall consider the representations and may then make the order in the form of the draft or in that form with such modifications as he thinks fit.
- (4) In this section “local authority” means, as respects England and Wales, the council of a county, . . . <sup>F11</sup> London borough or [<sup>F12</sup>district]. . . <sup>F13</sup> and the Common Council of the City of London [<sup>F14</sup>, and “network owner”, “new network” and “transferred network” shall be given the meanings in section 122(5) above] and, as respects [<sup>F15</sup>Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994].

#### Textual Amendments

- F7** Words in s. 124(1) inserted (20.3.1996) by S.I. 1996/420, art. 2, **Sch. para. 8(i)(a)(b)**
- F8** Words “carriageway of a public” substituted (S.) (1.1.1985) for words “public carriage” by **Roads (Scotland) Act 1984 (c. 54, SIF 108)**, s. 157(2), **Sch. 9 para. 66(9)**
- F9** Words in s. 124(2) inserted (20.3.1996) by S.I. 1996/420, art. 2, **Sch. para. 8(ii)**
- F10** Words in s. 124(3) inserted (20.3.1996) by S.I. 1996/420, art. 2, **Sch. para. 8(iii)**
- F11** Words repealed by **Local Government Act 1972 (c. 70, SIF 81:1)**, **Sch. 30**
- F12** Word substituted by virtue of **Local Government Act 1972 (c. 70, SIF 81:1)**, s. 179(3)
- F13** Words repealed by **Local Government Act 1985 (c. 51, SIF 81:1)**, s. 102, **Sch. 17**
- F14** Words in s. 124(4) inserted (20.3.1996) by S.I. 1996/420, art. 2, **Sch. para. 8(iv)**
- F15** Words in s. 124(4) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 80(11)**; S.I. 1996/323, **art. 4(1)(b)(c)**

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

- C1** S. 124 amended (2.2.1994) by 1993 c. 43, s. 117(1)(6) (with S.I. 1990/1380 arts. 3,4); S.I. 1994/202, **art. 2**
- C2** S. 124 power to repeal or modify (2.2.1994) by 1993 c. 43, ss. 117(4)(k)(6), 150(1)(e); S.I. 1994/202, **art. 2**

#### Marginal Citations

- M1** 1845 c. 20.
- M2** 1845 c. 33.

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