



Transport and Works Act 1992

1992 CHAPTER 42

PART II

SAFETY OF RAILWAYS ETC

CHAPTER II

OTHER SAFETY PROVISIONS

Signs and barriers at private crossings

53 Rights to enter land.

- (1) The operator of a railway or tramway shall not enter or do anything on any land for the purpose of exercising his powers under section 52(1) above except—
 - (a) with the consent of every owner of the land, or
 - (b) in accordance with an authorisation given by the Secretary of State under subsection (4) below.
- (2) Where the operator of a railway or tramway proposes to enter or do anything on any land for the purpose of exercising his powers under section 52(1) above but has not obtained the consent of every owner of the land to his proposals (after making reasonable efforts to do so), he shall serve on every owner whose consent he has not obtained a notice giving details of the proposals and stating that—
 - (a) he is referring the proposals to the Secretary of State for a decision as to whether or not they should be carried out, and
 - (b) in making that decision, the Secretary of State will consider any written representations made to him by the owner within the period of forty-two days beginning with the date of the notice.
- (3) Where subsection (2) above applies, the operator shall—

Changes to legislation: There are currently no known outstanding effects for the Transport and Works Act 1992, Section 53. (See end of Document for details)

- (a) submit a copy of every notice served by him under that subsection to the Secretary of State, and
 - (b) provide the Secretary of State with such further information about the proposals as he may require.
- (4) Where proposals are referred to the Secretary of State under this section, he shall after the expiry of the period of forty-two days beginning with the date of the latest notice served under subsection (2) above and after considering any representations made to him in accordance with that subsection—
- (a) authorise the operator to carry out the proposals (either without modifications or with such modifications as the Secretary of State may specify), or
 - (b) direct him not to carry out the proposals,
- and shall serve notice of his decision on every owner served with a notice under subsection (2) above.
- (5) Any authorisation under subsection (4) above may be given subject to such conditions as the Secretary of State may specify, including conditions that compensation shall be payable by the operator.
- (6) Any dispute as to the amount of any compensation payable by virtue of subsection (5) above shall be referred to and determined by the [^{F1}Upper Tribunal] or, in relation to land in Scotland, the Lands Tribunal for Scotland.
- (7) The operator of a railway or tramway may enter any land and do anything necessary on it (without the consent of the owners of the land) for the purpose of—
- (a) complying with any directions given under section 52(2) above, or
 - (b) maintaining a crossing sign or barrier lawfully placed on or near a private road or path near a place where it crosses the railway or tramway.
- (8) The Secretary of State may enter any land and do anything necessary on it (without the consent of the owners of the land) for the purpose of exercising his powers under section 54(1) below.
- (9) In this section “owner”—
- (a) in relation to any land in England and Wales, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple (whether in possession or reversion) and includes also a person holding, or entitled to the rents and profits of, the land under a tenancy, other than a tenancy for a month or any period less than a month;
 - (b) in relation to any land in Scotland, means a person who, under the Land Clauses Acts, would be entitled to sell and convey land to the promoters of an undertaking and includes also a person who is or would be entitled to receive the rent of the land under a tenancy, other than a tenancy for a month or any period less than a month.

Textual Amendments

- F1** Words in s. 53(6) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 243** (with Sch. 5)

Changes to legislation:

There are currently no known outstanding effects for the Transport and Works Act 1992, Section 53.