
STATUTORY INSTRUMENTS

1997 No. 487

The Level Crossings Regulations 1997

Miscellaneous amendments to the Level Crossings Act 1983

4.—(1) Section 1 of the Level Crossings Act 1983 shall be amended in accordance with the following provisions of this regulation.

(2) After subsection (1) there shall be inserted the following subsection—

“(1A) Subsection (1) above applies whether or not the crossing is in use when the order is made; and if it is not in use when the order is made the order shall be made so as to come into force when it is in use.”.

(3) After subsection (4) there shall be added the following subsection—

“(4A) Nothing in subsection (3)(b) above affects any provision made by or under Part I of the Health and Safety at Work etc. Act 1974.”.

(4) For subsection (6) there shall be substituted the following subsections—

“(6) The Secretary of State may make an order under this section in respect of a level crossing on being requested to do so by the operator of the crossing or without any such request, but he shall not make such an order without any such request unless he has sent to the operator and to each local authority in whose area the level crossing is situated a copy of a draft of the order he proposes to make and a notice specifying the period (not being less than two months) within which the operator or local authority may make representations to him in respect of his proposal to make the order.

(6A) Where the Health and Safety Executive gives written notice to an operator of a crossing that in its opinion a request should be made to the Secretary of State to make an order under this section in respect of that crossing and the notice states the reasons for that opinion, the operator shall be under a duty to make such a request.”.

(5) For subsection (7) there shall be substituted the following subsection—

“(7) Where the operator of a crossing requests the Secretary of State to make an order under this section, the request shall be accompanied by a draft of the order which the operator is requesting the Secretary of State to make.”.

(6) For subsection (9) there shall be substituted the following subsection—

“(9) The Secretary of State shall consider any representations made to him pursuant to subsection (6) or (8) above if they have been made within the period specified in the notice referred to in the subsection concerned and may then, if he decides to make the order, make it in accordance with the draft sent to persons pursuant to the subsection concerned or with such modifications as he thinks fit.”.

(7) After subsection (10) there shall be added the following subsections—

“(10A) Any order made under section 124 of the Transport Act 1968 or section 66 of the British Transport Commission Act 1957 and in force immediately before 1st April 1997, including any requirements or conditions laid down under the order, shall have effect as if it had been made under this section.

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

(10B) In performing his functions under this Act the Secretary of State shall take account of any advice given to him with respect thereto by or on behalf of the Health and Safety Commission.”.

(8) In subsection (11) for the definition of “protective equipment” there shall be substituted the following definition—

““protective equipment” includes lights, traffic signs, manual, mechanical, automatic, electrical, telephonic or television equipment or other devices;”.