
STATUTORY INSTRUMENTS

2012 No. 2679

**The Chiltern Railways (Bicester to
Oxford Improvements) Order 2012**

PART 2

WORKS PROVISIONS

Level Crossings

Replacement and closure of footpath level crossings

16.—(1) Subject to paragraph (3), each of the footpath level crossings specified in columns (1) and (2) of Schedule 8 (replacement and closure of footpath level crossings) are stopped up and discontinued.

(2) Subject to paragraph (3) and paragraph 2 of Schedule 13 (provisions relating to statutory undertakers etc.), upon the stopping up and discontinuance of a footpath level crossing referred to in paragraph (1), any right of way over the part of the footpath specified in relation to it in column (3) of Schedule 8 is extinguished.

(3) Paragraphs (1) and (2) are not to take effect with respect to a footpath specified in columns (1) and (3) of Schedule 8 until the replacement footpath specified in relation to it in column (4) of that Schedule has been provided to the reasonable satisfaction of the street authority and is open for use.

(4) On completion of the construction of the replacement footpath specified in column (4) of Schedule 8 the Company must submit a written request to the street authority for written approval for the replacement footpath which must not be unreasonably withheld and which must be given within 28 days of the street authority receiving a request for approval under this paragraph. If the street authority fails to notify the Company of a decision by the expiry of 28 days from receiving a request for approval, the street authority is deemed to have granted approval.

(5) If the street authority intimates its disapproval in accordance with paragraph (4), the matter is to be determined in accordance with article 57 (arbitration).

(6) In providing the replacement footpaths specified in column (4) of Schedule 8, the Company may within the Order limits erect barriers and signs and carry out or provide any ancillary works or conveniences, subject to the agreement of the highway authority which agreement must not be unreasonably withheld.

(7) Any person who suffers loss by the extinguishment of any private right of way under this article is entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(8) Any replacement footpath specified in column (4) of Schedule 8 provided under this article is to be a public footpath and, subject to paragraphs (9) to (12), in relation to that replacement footpath section 28 of the Highways Act 1980(1) (compensation for loss caused by public path creation order)

applies as if the right of way over the replacement footpath had been created by a public path creation order.

(9) In its application by virtue of paragraph (8), section 28 of the Highways Act 1980 has effect with the modifications mentioned in paragraphs (10) to (12).

(10) In subsection (1), for the words “the authority by whom the order was made” there are substituted the words “The Chiltern Railway Company Limited”.

(11) For subsection (2), there is substituted—

“(2) A claim for compensation under this section is to be made to The Chiltern Railway Company Limited in writing within 6 months from the coming into force of the Chiltern Railways (Bicester to Oxford Improvements) Order 2012⁽²⁾ and is to be served on The Chiltern Railway Company Limited by delivering it at, or by sending it by pre-paid post to, the registered office of The Chiltern Railway Company Limited.”

(12) Subsection (3) is omitted.

(13) For the purposes of paragraphs (8) to (12), section 307 of the Highways Act 1980 (disputes as to compensation which are to be determined by Upper Tribunal and related provisions), in its application to section 28 of the Highways Act by virtue of section 307(1), has effect as if in subsection (2) for the words “the authority from whom the compensation in question is claimed”, there were substituted the words “The Chiltern Railway Company Limited”.

(14) In this article any reference to a footpath or a footpath level crossing, in relation to the Beebont level crossing or the Water Eaton No. 5 level crossing, is to be construed as a reference to a bridleway or a bridleway level crossing.