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STATUTORY INSTRUMENTS

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**2022 No. 651**

**The Network Rail (Essex and Others  
Level Crossing Reduction) Order 2022**

**PART 1**

**PRELIMINARY**

**Application of the 1991 Act**

**3.—**(1) Works executed under this Order in relation to a highway which consists of or includes a carriageway are to be treated for the purposes of Part 3 (street works in England and Wales) of the 1991 Act as major transport works if—

- (a) they are of a description mentioned in any of paragraphs (a), (c) to (e), (g) and (h) of section 86(3) (which defines what highway authority works are major highway works) of that Act; or
- (b) they are works which, had they been executed by the highway authority, might have been carried out in exercise of the powers conferred by section 64(1) (dual carriageways and roundabouts) of the 1980 Act.

(2) The provisions of the 1991 Act mentioned in paragraph (3) (which, together with other provisions of that Act, apply in relation to the carrying out of street works) and any regulations made or code of practice issued or approved under those provisions apply (with the necessary modifications) in relation to any stopping up, alteration or diversion of a street of a temporary nature by Network Rail under the powers conferred by article 9 (temporary stopping up of streets) and the carrying out of works under article 8 (power to execute street works) whether or not the stopping up, alteration or diversion, or the carrying out of such works, constitutes street works within the meaning of that Act.

- (3) The provisions of the 1991 Act(2) referred to in paragraph (2) are—
- section 59(3) (general duty of street authority to co-ordinate works);
  - section 60 (general duty of undertakers to co-operate);
  - section 68 (facilities to be afforded to street authority);
  - section 69 (works likely to affect other apparatus in the street);
  - section 76 (liability for cost of temporary traffic regulation);
  - section 77 (liability for cost of use of alternative route); and

all such other provisions as apply for the purposes of the provisions mentioned above.

- (4) Nothing in article 10 (construction and maintenance of new or altered streets)—

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(1) Section 64 was amended by section 102 of, and Schedule 17 to, the Local Government Act 1985 (c. 51) and section 168(2) of, and Schedule 9 to, the 1991 Act.  
(2) Sections 60, 68 and 69 were amended by section 40(1) and (2) of, and Schedule 1 to, the Traffic Management Act 2004 (c. 18).  
(3) Section 59 was amended by section 42 of the Traffic Management Act 2004.

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**Changes to legislation:** There are currently no known outstanding effects for the The Network Rail (Essex and Others Level Crossing Reduction) Order 2022, Section 3. (See end of Document for details)

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- (a) prejudices the operation of section 87 (prospectively maintainable highways) of the 1991 Act; and Network Rail is not, by reason of any duty under that article to maintain a street, to be taken to be a street authority in relation to that street for the purposes of Part 3 of that Act; or
- (b) has effect in relation to street works with regard to which the provisions of Part 3 of the 1991 Act apply.

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**Commencement Information**

**II** Art. 3 in force at 30.6.2022, see [art. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Network Rail (Essex and Others Level Crossing Reduction) Order 2022, Section 3.