

SCHEDULES

SCHEDULE 1

SIGNS AND BARRIERS AT PRIVATE CROSSINGS

Rights to enter land

2.—(1) The operator of a railway shall not enter or do anything on any land for the purpose of exercising his powers under paragraph 1(1) except—

- (a) with the consent of every owner of the land, or
- (b) in accordance with an authorisation given by the Department under sub-paragraph (4).

(2) Where the operator of a railway proposes to enter or do anything on any land for the purpose of exercising his powers under paragraph 1(1) 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 Department for a decision as to whether or not they should be carried out, and
- (b) in making that decision, the Department will consider any written representations made to it by the owner within the period of 6 weeks beginning with the date of the notice.

(3) Where sub-paragraph (2) applies, the operator shall—

- (a) submit a copy of every notice served by him under that sub-paragraph to the Department, and
- (b) provide the Department with such further information about the proposals as it may require.

(4) Where proposals are referred to the Department under this paragraph, it shall after the expiry of the period of 6 weeks beginning with the date of the latest notice served under sub-paragraph (2) and after considering any representations made to it in accordance with that sub-paragraph—

- (a) authorise the operator to carry out the proposals (either without modifications or with such modifications as the Department may specify),
or
- (b) direct him not to carry out the proposals,

and shall serve notice of its decision on every owner served with a notice under sub-paragraph (2).

(5) Any authorisation under sub-paragraph (4) may be given subject to such conditions as the Department 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 sub-paragraph (5) shall be referred to and determined by the Lands Tribunal.

(7) The operator of a railway 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 paragraph 1(2), 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.

(8) The Department may enter any land and do anything necessary on it (without the consent of the owners of the land) for the purpose of exercising the Department's powers under paragraph 3(1).

(9) In this paragraph "owner" 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.