



# Midland Metro Act 1992

## 1992 CHAPTER vii

### PART V

#### GENERAL

#### **24 Authorisation of new level crossings**

- (1) This section has effect for the authorisation of new level crossings on railways forming part of the Metro which are not tramways.
- (2) The Secretary of State may, by order made on the application of the Executive, authorise—
  - (a) the carrying of any such railway across and on the level of any highway laid out or constructed after the date on which application was made by the Executive for the enactment by which the railway was authorised; or
  - (b) the carrying of any highway laid out or constructed after the railway has been constructed, across and on the level of any such railway.
- (3) An order made under this section may contain such incidental, consequential and supplementary provisions as the Secretary of State thinks necessary or expedient.
- (4) Before making application to the Secretary of State for an order under this section to authorise a proposed level crossing, the Executive shall—
  - (a) consult the highway authority and the local planning authority;
  - (b) submit a draft of the order to the Secretary of State;
  - (c) publish at least once in each of two successive weeks, in one or more newspapers circulating in the locality in which the proposed level crossing would be situated, a notice—
    - (i) stating the general effect of the order as prepared in draft;
    - (ii) specifying a place in that locality where a copy of the draft order and of any relevant map or plan may be inspected by any person free of charge at all reasonable times during the period of 28 days beginning with the date of the first publication of the notice; and

---

*Status: This is the original version (as it was originally enacted).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

---

- (iii) stating that any person may, within that period, by notice in writing to the Secretary of State object to the making of the order; and
  - (d) publish a notice in the London Gazette stating that the draft order has been submitted to the Secretary of State, specifying a place where a copy of the draft order and of any relevant map or plan may be inspected, and giving the name of the newspaper in which the notice under paragraph (c) above was published and the date of an issue containing the notice.
- (5) The Executive shall, at the request of any person, supply him with a copy of the draft order on payment of such charge as the Executive think reasonable.
- (6) The Secretary of State may make the order either in the terms of the draft order or in those terms as altered in such manner as he thinks fit; but where he proposes to make any alteration, and considers that any persons are likely to be adversely affected by it, the Executive shall give and publish such additional notices, and in such manner, as the Secretary of State may require.
- (7) If before the end of the period of 28 days referred to in subsection (4) (c) above, or of 25 days from the publication in the London Gazette of the notice under subsection (4) (d) above, or of any period specified in notices under subsection (6) above, notice in writing of an objection is received by the Secretary of State from any person on whom a notice is required to be served, or from any other person appearing to the Secretary of State to be affected by the order as prepared in draft, or as proposed to be altered, and the objection is not withdrawn, the Secretary of State, before making the order, shall either—
  - (a) cause a local inquiry to be held; or
  - (b) afford to the objector and to the Executive an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.
- (n)
  - (a) The Secretary of State may recover from the Executive payment of administrative costs reasonably incurred by the Department of Transport in connection with an application for an order under this section, subject to a maximum payment in respect of any such application of £5,000.
  - (b) This subsection has effect without prejudice to the provisions of section 250 (4) of the Local Government Act 1972, as having effect in accordance with section 27 (2) of this Act, for the payment of costs incurred in relation to an inquiry or hearing, but costs recoverable under those provisions shall not be recoverable under this subsection.
  - (c) This subsection shall cease to have effect on the coming into operation of any public general statutory provision for the authorisation, by means of orders made by the Secretary of State, of new level crossings on railways.
- (9) Subsection (3) of section 8 (Level crossings) of this Act shall apply to a level crossing authorised under this section as it applies to a crossing authorised by that section.