

Changes to legislation: There are currently no known outstanding effects for the Transport and Works Act 1992, Paragraph 3. (See end of Document for details)

SCHEDULES

SCHEDULE 2

STOPPING UP AND DIVERSION OF RAIL CROSSINGS

Commencement Information

- II** Sch. 2 wholly in force; Sch. 2 not in force at Royal Assent see s. 70(1); Sch. 2 in force for certain purposes at 22.12.1992 and wholly in force at 31.1.1993 by S.I. 1992/3144, arts. 2, 3, Sch.

3 After section 118 there shall be inserted—

“118A Stopping up of footpaths and bridleways crossing railways.

- (1) This section applies where it appears to a council expedient in the interests of the safety of members of the public using it or likely to use it that a footpath or bridleway in their area which crosses a railway, otherwise than by tunnel or bridge, should be stopped up.
- (2) Where this section applies, the council may by order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed order, extinguish the public right of way over the path or way—
 - (a) on the crossing itself, and
 - (b) for so much of its length as they deem expedient from the crossing to its intersection with another highway over which there subsists a like right of way (whether or not other rights of way also subsist over it).
- (3) An order under this section is referred to in this Act as a “rail crossing extinguishment order”.
- (4) The Secretary of State shall not confirm a rail crossing extinguishment order, and a council shall not confirm such an order as an unopposed order, unless he or, as the case may be, they are satisfied that it is expedient to do so having regard to all the circumstances, and in particular to—
 - (a) whether it is reasonably practicable to make the crossing safe for use by the public, and
 - (b) what arrangements have been made for ensuring that, if the order is confirmed, any appropriate barriers and signs are erected and maintained.
- (5) Before determining to make a rail crossing extinguishment order on the representations of the operator of the railway crossed by the path or way, the council may require him to enter into an agreement with them to defray, or to make such contribution as may be specified in the agreement towards, any expenses which the council may incur in connection with the erection or maintenance of barriers and signs.

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- (6) A rail crossing extinguishment order shall be in such form as may be prescribed by regulations made by the Secretary of State and shall contain a map, on such scale as may be so prescribed, defining the land over which the public right of way is thereby extinguished.
- (7) Schedule 6 to this Act has effect as to the making, confirmation, validity and date of operation of rail crossing extinguishment orders.
- (8) In this section—
- “operator”, in relation to a railway, means any person carrying on an undertaking which includes maintaining the permanent way;
- “railway” includes tramway but does not include any part of a system where rails are laid along a carriageway.”

Commencement Information

- I1** [Sch. 2](#) wholly in force; [Sch. 2](#) not in force at Royal Assent see [s. 70\(1\)](#); [Sch. 2](#) in force for certain purposes at 22. 12. 1992 and wholly in force at 31. 1. 1993 by [S.I. 1992/3144](#), [arts. 2, 3](#), [Sch.](#)

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