

**Changes to legislation:** Transport and Works Act 1992, Paragraph 5 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## 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.

- 5 (1) Section 120 (exercise of powers of making public path extinguishment and diversion orders) shall be amended as follows.
- (2) In subsection (1), for the words “and 119” there shall be substituted the words “ to 119A ”.
- (3) In subsection (2), for the words from “public path extinguishment” to “and 119” there shall be substituted the words “ orders under sections 118 to 119A ”.
- (4) In subsection (3)—
- (a) after “118(1)” there shall be inserted “ or 118A(1) or 119A(1) ”;
  - (b) after the words “stopped up” there shall be inserted the words “ or diverted ”;
  - (c) after the words “extinguishment order” there shall be added the words “ , a rail crossing extinguishment order, a rail crossing diversion order ”;
  - (d) for the words “and 119” there shall be substituted the words “ to 119A ”;
  - (e) after the word “consultation” there shall be inserted the words “ (subject to subsection (3A) below) ”.
- (5) After subsection (3) there shall be inserted—
- “(3A) Where—
- (a) the operator of a railway makes a request to a council to make an order under section 118A or 119A above in respect of a crossing over the railway,
  - (b) the request is in such form and gives such particulars as are prescribed by regulations made by the Secretary of State, and
  - (c) the council have neither confirmed the order nor submitted it to the Secretary of State within 6 months of receiving the request,
- the power conferred on the Secretary of State by subsection (3) above may be exercised without consultation with the council.”
- (6) In subsection (4), after the words “public path diversion order” there shall be inserted the words “ or a rail crossing diversion order ”.
- (7) In subsection (5)—
- (a) for the words “he may require the owner, lessee or occupier” there shall be substituted the words “ or, on the representations of the operator of the

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- railway concerned, a rail crossing diversion order, he may require the person ”;
- (b) for the words “for the owner, lessee or occupier” there shall be substituted the words “ for that person ”;
  - (c) after “119(5)” there shall be inserted the words “ , or as the case may be 119A(8), ”.

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**Changes and effects yet to be applied to :**

- Sch. 2 para. 5(2) repealed by [2000 c. 37 Sch. 16 Pt. 2](#)
- Sch. 2 para. 5(4)(a)(d)(e) repealed by [2000 c. 37 Sch. 16 Pt. 2](#)
- Sch. 2 para. 5(6)(7) repealed by [2000 c. 37 Sch. 16 Pt. 2](#)