



# Road Safety Act 2006

## 2006 CHAPTER 49

### *Level crossings*

#### **50 Safety arrangements at level crossings**

- (1) Section 1 of the Level Crossings Act 1983 (c. 16) (safety arrangements at level crossings) is amended as follows.
- (2) For paragraph (a) of subsection (2) substitute—
  - “(a) may require the operator of the crossing or the local traffic authority (or both) to provide at or near the crossing any protective equipment specified in the order and to maintain and operate that equipment in accordance with the order;”
- (3) In paragraph (b) of that subsection, after “impose” insert “ on the operator ”.
- (4) In subsection (3)(b), omit “barriers or other”.
- (5) In subsection (5)(b), for “include requirements as to” substitute “ impose requirements as to protective ”.
- (6) For subsection (6) substitute—
  - “(6) The Secretary of State may make an order under this section in respect of a level crossing on being requested to do so by the operator of the crossing or without a request by the operator.
- (6ZA) The Secretary of State may not make an order without a request by the operator unless—
  - (a) he has consulted the Office of Rail Regulation and the local traffic authority about the order he proposes to make; and
  - (b) having done so, he has sent to the operator, the Office of Rail Regulation and the local traffic authority a copy of a draft of the order he proposes to make and a notice specifying the period (not being less than two months) within which they may make representations to him in respect of his proposal to make the order.”

*Changes to legislation: Road Safety Act 2006, Cross Heading: Level crossings is up to date with all changes known to be in force on or before 21 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*

(7) For subsection (8) substitute—

“(8) Before making a request the operator—

- (a) must consult the Office of Rail Regulation and the local traffic authority about the draft order he intends to submit to the Secretary of State; and
- (b) having done so, must give written notice to the Office of Rail Regulation and the local traffic authority of his intention to make a request.

(8A) A notice given under subsection (8)—

- (a) must be accompanied by a copy of the draft order which the operator intends to submit to the Secretary of State; and
- (b) must specify the period (not being less than two months) within which the Office of Rail Regulation and the local traffic authority may make representations to the Secretary of State in respect of the request.”

(8) In subsection (9), for “(6) or (8)” substitute “ (6ZA) or (8A) ”.

(9) In subsection (11)—

- (a) omit the definition of “local authority”,
- (b) before the definition of “operator” insert—

““local traffic authority”, in relation to a crossing, means the authority which for the purposes of the Road Traffic Regulation Act 1984 is the local traffic authority for the road crossed by the railway at the crossing;”, and

- (c) in the definition of “protective equipment”, after “includes” insert “barriers, ”.

#### Commencement Information

**II** S. 50 in force at 27.2.2007 by S.I. 2007/237, art. 2(d)

## 51 Delegation of power to make level crossing orders

(1) In paragraph 7 of Schedule 3 to the Railways Act 2005 (c. 14) (agreements by Secretary of State and Office of Rail Regulation for that Office to carry out on his behalf functions other than powers to make instruments of legislative character), after sub-paragraph (3) insert—

“(4) Sub-paragraph (3)(b) does not prevent the Secretary of State and the Office of Rail Regulation from entering into an agreement for that Office to carry out on his behalf the function of making orders under section 1 of the Level Crossings Act 1983.”

(2) Subsection (2) of section 13 of the Health and Safety at Work etc. Act 1974 (c. 37) (agreements by Health and Safety Commission with Minister to perform functions on his behalf not to be taken to authorise performance of powers to make instruments of legislative character) is not to be taken to have prevented the performance by the Health and Safety Executive (on behalf of the Health and Safety Commission), in reliance on an agreement under subsection (1)(b) of that section, of the function of making orders under section 1 of the Level Crossings Act 1983 (c. 16).

**Changes to legislation:**

Road Safety Act 2006, Cross Heading: Level crossings is up to date with all changes known to be in force on or before 21 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.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 6 para. 8A inserted by [2016 c. 16 s. 3\(3\)](#)
- Sch. 6 para. 10A inserted by [2016 c. 16 s. 4\(2\)](#)
- Sch. 6 para. 13(9) inserted by [2016 c. 16 s. 4\(5\)](#)