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STATUTORY INSTRUMENTS

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**1995 No. 3188**

**TRANSPORT AND WORKS  
TRANSPORT**

**The Railtrack (Swinedyke Level Crossing) Order 1995**

*Made - - - - 6th December 1995*

*Coming into force - - 27th December 1995*

Whereas an application has been made to the Secretary of State for Transport (“the Secretary of State”), in accordance with the Transport and Works (Applications and Objections Procedure) Rules 1992(1) made under section 6 of the Transport and Works Act 1992(2) (“the Act”), for an Order under section 1 of the Act;

And whereas the only objection to the application has been withdrawn;

And whereas the Secretary of State has determined to make an Order giving effect to the proposals comprised in the application with modifications which in his opinion do not make any substantial change in the proposals;

And whereas notice of the Secretary of State’s determination was published in the London Gazette on 5th December 1995;

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by sections 1 and 5 of, and paragraphs 1 and 4 of Schedule 1 to, the Act and of all other powers enabling him in that behalf, hereby makes the following Order: —

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Railtrack (Swinedyke Level Crossing) Order 1995 and shall come into force on 27th December 1995.

(2) In this Order—

“the Company” means Railtrack PLC;

“the level crossing” means Swinedyke level crossing (Ordnance Survey reference point SK 8974:9574) in the parish of Northorpe, district of West Lindsey, Lincolnshire, whereby Southorpe Lane connecting the former Moat Houses to the B1205 Blyton to Waddingham road is crossed by the railway between Gainsborough Central and Kirton Lindsey stations;

“the relevant day” means the day this Order comes into force; and

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(1) S.I.1992/2902.  
(2) 1992 c. 42.

“the specified enactments” means the Highway (Railway Crossings) Act 1839<sup>(3)</sup>, section 9 of the Railway Regulation Act 1842<sup>(4)</sup>, section 47 of the Railways Clauses Consolidation Act 1845<sup>(5)</sup>, section 68 of the Manchester, Sheffield and Lincolnshire Railway Act 1849<sup>(6)</sup>, and any other provision to the same or similar effect incorporated with, or contained in, any enactment or instrument having effect by virtue of an enactment.

### **Reduction in status of Swinedyke level crossing**

2.—(1) All rights of way over the level crossing, other than a right for all persons to use that crossing on foot, are hereby extinguished, and the Company shall provide and maintain pedestrian gates on both sides of the railway at that crossing.

(2) The specified enactments shall cease to apply to the level crossing.

(a) (3) (a) The level crossing (including its gates, other than any gates provided under paragraph (1) above) shall be deemed to be works provided by the Company on the relevant day under section 68 of the Railways Clauses Consolidation Act 1845 for the accommodation of the owners and occupiers of land adjoining the railway and to the intent that as from the relevant day section 75 of that Act (which makes it an offence to omit to shut and fasten a gate or lower a lifting barrier across an accommodation crossing) shall apply to the level crossing.

(b) For the purposes of this paragraph, the owners and occupiers referred to in subparagraph (a) above shall be deemed to include the owners and occupiers of any land the use of which would be interrupted if the level crossing were closed on the relevant day.

(4) If any part of Southorpe Lane lying south of the level crossing at any time ceases, in consequence of this article, to be a road over which the public has a right of way for all traffic, the owners and occupiers of the land abutting on such part shall have such rights of passage over it as shall be necessary to enable them to pass and repass to and from that land from and to the level crossing as if there had been no such cessation.

(5) Nothing in this Order shall affect the application to the level crossing of the British Railways Board (Manchester, Sheffield and Lincolnshire Railway) (Swinedyke (No. 58) Level Crossing) Order 1966 made under section 66 of the British Transport Commission Act 1957<sup>(7)</sup>, or the power of the Secretary of State to amend or revoke that Order under section 66(7) of that Act.

Signed by authority of the Secretary of State for Transport

6th December 1995

*R. A. Allan*  
An Under Secretary,  
Department of Transport

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(3) 1839 c. 45.  
(4) 1842 c. 55.  
(5) 1845 c. 20.  
(6) 1849 c.lxxxii.  
(7) 1957 c.xxxiii.

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

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## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order reduces the status of the level crossing of Southorpe Lane, Northorpe, Lincolnshire, by the railway between Gainsborough Central and Kirton Lindsey stations, from a public vehicular crossing to a public footpath crossing with private accommodation road.