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STATUTORY INSTRUMENTS

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**2003 No. 1075**

**The Network Rail (West Coast Main Line) Order 2003**

**PART II**

**WORKS PROVISIONS**

*Level Crossings*

**Replacement of road level crossings**

7.—(1) Subject to paragraph (3), each of the level crossings specified in columns (1) and (2) of Schedule 3 to this Order shall be stopped up and discontinued.

(2) Subject to paragraph (3) and paragraph 2 of Schedule 12 to this Order, upon the stopping up and discontinuance of each of the level crossings referred to in paragraph (1), any right of way over the part of the street specified in relation to it in column (3) of Schedule 3 to this Order shall be extinguished.

(3) Paragraphs (1) and (2) shall not take effect with respect to a level crossing until the accommodation works specified in relation to it in column (4) of Schedule 3 to this Order have been completed to the reasonable satisfaction of the street authority and are open for use.

(4) Any person who suffers loss by the extinguishment of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part I of the 1961 Act.

**Replacement and closure of footpath level crossings**

8.—(1) Subject to paragraph (3), each specified footpath shall be stopped up and discontinued.

(2) Subject to paragraph (3) and paragraph 2 of Schedule 12 to this Order, upon the stopping up and discontinuance of a specified footpath, any right of way over it shall be extinguished.

(3) Paragraphs (1) and (2) shall not take effect with respect to a footpath specified in columns (1) and (3) of Part I of Schedule 4 to this Order until the footpath specified in relation to it in column (4) of that Part of that Schedule is open for use in accordance with the reasonable requirements of the highway authority.

(4) In providing the footpaths specified in column (4) of Part I of Schedule 4 to this Order, Network Rail may within the Order limits erect barriers and signs and carry out or provide any ancillary works or conveniences, subject to the agreement of the highway authority which agreement shall not be unreasonably withheld.

(5) Any person who suffers loss by the extinguishment of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part I of the 1961 Act.

(6) A footpath shall be created between points F24 and F25, to be substituted for part of footpath FP35 in the Borough of Stafford and, subject to paragraphs (7) to (10), in relation to that new footpath, section 28 of the Highways Act 1980 (compensation for loss caused by public path creation

order) shall apply as if the right of way between those points had been created by a public path creation order.

(7) In its application by virtue of paragraph (6), section 28 of the Highways Act 1980 shall have effect with the following modifications.

(8) In sub-section (1), for the words “the authority by whom the order was made” there shall be substituted the words “Network Rail Infrastructure Limited”.

(9) For sub-section (2), there shall be substituted—

“(2) A claim for compensation under this section shall be made to Network Rail Infrastructure Limited in writing within six months from the coming into force of the Network Rail (West Coast Main Line) Order 2003 and shall be served on Network Rail Infrastructure Limited by delivering it at, or by sending it by pre-paid post to, 40 Melton Street, London, NW1 2EE.”

(10) Sub-section (3) shall be omitted.

(11) For the purposes of paragraphs (6) to (10), section 307 of the Highways Act 1980 (disputes as to compensation which are to be determined by Lands Tribunal and related provisions), in its application to section 28 by virtue of section 307(1), shall have effect as if in sub-section (2) for the words “the authority from whom the compensation in question is claimed”, there were substituted the words “Network Rail Infrastructure Limited”.

(12) In this article “specified footpath” means any of the footpaths or lengths of footpath specified in columns (1) and (3) of Parts I and II of Schedule 4 to this Order which are crossed on the level by Network Rail’s railway at the level crossings specified in column (2) of Parts I and II of that Schedule.

### **Preston Brook accommodation crossing**

**9.**—(1) Notwithstanding anything in section 180 of the Act of 1833 entitled “An Act for making a Railway from the Warrington and Newton Railway at Warrington in the County of Lancaster to Birmingham in the County of Warwick, to be called the Grand Junction Railway”(1) or any other enactment, all rights of way (if any) between points C1 and C2 over the former accommodation crossing at Preston Brook in the Borough of Halton shall be extinguished.

(2) Any person who suffers loss by the extinguishment of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part I of the 1961 Act.