

SCHEDULES

SCHEDULE 2

STOPPING UP AND DIVERSION OF RAIL CROSSINGS

- 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 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),”.