



Transport and Works Act 1992

1992 CHAPTER 42

PART II

SAFETY OF RAILWAYS ETC

CHAPTER II

OTHER SAFETY PROVISIONS

Signs and barriers at private crossings

54 Default powers of Secretary of State

- (1) If the operator of a railway or tramway fails—
 - (a) to comply with a direction given under section 52(2) above, or
 - (b) to maintain a crossing sign or barrier lawfully placed on or near a private road or path near a place where it crosses the railway or tramway,the Secretary of State may himself carry out the work required by the direction or necessary to maintain the crossing sign or barrier.
- (2) Any expenses incurred by the Secretary of State in doing so shall be recoverable by him from the operator.
- (3) A direction given under section 52(2) above—
 - (a) if relating to a private road or path in England and Wales, shall be enforceable on the application of the Secretary of State by an order of mandamus;
 - (b) if relating to a private road or path in Scotland, shall be enforceable by order of the Court of Session on an application by the Lord Advocate under section 45 of the Court of Session Act 1988.