



# Road and Rail Traffic Act 1933

1933 CHAPTER 53 23 and 24 Geo 5

## PART II

### RAILWAY TRAFFIC

#### 42 Amendments as to level crossings.

- (1) The Minister, if upon an application made to him by the railway company concerned he is satisfied that it is expedient so to do, may direct that the gates on any level crossing over a public road shall, instead of being kept closed across the road, be kept closed across the railway, either constantly, or on such days, or during such portions of any day, as he thinks fit, and, if he so directs, the gates shall, notwithstanding anything in any Act (whether a public general Act or not) to the contrary, be kept closed in accordance with his direction, except when engines or vehicles passing along the railway have occasion to cross the road, and, if the person entrusted with the care of the gates fails to comply with the direction of the Minister, he shall on summary conviction be liable to a penalty of [<sup>F1</sup>level 1 on the standard scale] for each offence.
- (2) The powers conferred upon the Minister by the preceding subsection shall be deemed to be in addition to, and not in derogation of, any powers conferred upon him by section forty-seven of the <sup>M1</sup>Railways Clauses Consolidation Act 1845, or section forty of the <sup>M2</sup>Railways Clauses Consolidation (Scotland) Act 1845, or by any provision in a local and personal or private Act which relates to the closing of gates on level crossings.
- (3) So much of section forty-eight of the <sup>M3</sup>Railways Clauses Consolidation Act 1845, and of section forty-one of the <sup>M4</sup>Railways Clauses Consolidation (Scotland) Act 1845, as requires that, where a railway crosses a road to which the section in question applies on a level adjoining to a station, all trains shall be made to slacken their speed before arriving at the road, and shall not cross it at a greater rate of speed than four miles an hour, and so much of any section of a local and personal or private Act as contains provisions substantially to the like effect, shall cease to have effect.

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*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Road and Rail Traffic Act 1933, Section 42. (See end of Document for details)*

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### Textual Amendments

- F1** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#)
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### Modifications etc. (not altering text)

- C1** [S. 42](#) excluded (27.7.1993) by [1993 c. xv, s. 3\(3\)](#)  
[S. 42](#) amended (2.2.1994) by virtue of [1993 c. 43, ss. 117\(1\)\(6\)](#) (with [S.I. 1990/1380, arts. 3, 4](#)); [S.I. 1994/202, art. 2](#)  
[S. 42](#): power to repeal or modify conferred (2.2.1994) by [1993 c. 43, ss. 117\(4\)\(g\)\(6\)](#), [150\(1\)\(e\)](#); [S.I. 1994/202, art. 2](#)  
[S. 42](#) excluded (1.7.1994) by [S.I. 1994/1761, art. 3\(4\)](#)  
[S. 42](#) excluded (21.7.1994) by [1994 c. xi, s. 3\(3\)](#)  
[S. 42](#) excluded (21.7.1994) by [1994 c. xv, s. 3\(4\)](#)
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### Marginal Citations

- M1** [1845 c. 20.](#)  
**M2** [1845 c. 33.](#)  
**M3** [1845 c. 20.](#)  
**M4** [1845 c. 33.](#)

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