
STATUTORY INSTRUMENTS

1995 No. 3188

The Railtrack (Swinedyke Level Crossing) Order 1995

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(1), or the power of the Secretary of State to amend or revoke that Order under section 66(7) of that Act.