
STATUTORY INSTRUMENTS

2022 No. 1067

**The Network Rail (Huddersfield to Westtown
(Dewsbury) Improvements) Order 2022**

PART 4

MISCELLANEOUS AND GENERAL

Traffic regulation

49.—(1) Subject to the provisions of this article, and the consent of the traffic authority in whose area the street concerned is situated, which consent must not be unreasonably withheld, Network Rail, may, insofar as may be necessary or expedient for the purposes of, in connection with, or in consequence of the construction, maintenance or operation of the authorised works—

- (a) revoke, amend or suspend in whole or in part any traffic regulation order made, or having effect as if made, under the 1984 Act;
- (b) permit, prohibit or restrict the parking, stopping, waiting, loading or unloading of vehicles on any road;
- (c) suspend or authorise the use as a parking place of any road;
- (d) restrict the speed of vehicles along any road;
- (e) make provision as to the direction or priority of vehicular traffic on any road; and
- (f) permit or prohibit vehicular access to any road,

either at all times or at times, on days or during such periods as may be specified by Network Rail.

(2) The powers conferred by paragraph (1) may be exercised at any time prior to the expiry of 12 months from the opening of the authorised works for public use but subject to paragraph (7) any prohibition, restriction or other provision made under paragraph (1) may have effect both before and after the expiry of that period.

(3) The powers conferred by paragraph (1) may only be exercised after Network Rail has consulted the chief officer of police and the traffic authority in whose area the road concerned before complying with provisions of paragraph (4).

(4) Network Rail must not exercise the powers conferred by paragraph (1) unless it has—

- (a) given not less than—
 - (i) 12 weeks' notice in writing of its intention so to do in the case of a prohibition, restriction or other provision intended to have effect permanently; or
 - (ii) 4 weeks' notice in writing of its intention so to do in the case of a prohibition, restriction or other provision intended to have effect temporarily,

to the chief officer of police and to the traffic authority in whose area the street is situated; and

- (b) advertised its intention in such manner as the traffic authority may specify in writing within 28 days of its receipt of notice of Network Rail's intention in the case of sub-paragraph (a)

(i), or within 7 days of its receipt of notice of Network Rail's intention in the case of subparagraph (a)(ii).

(5) If within 28 days of receiving an application for consent under paragraph (1) a traffic authority fails to notify Network Rail of its decision or refuses consent without giving any grounds for its refusal that traffic authority is deemed to have granted consent.

(6) Any prohibition, restriction or other provision made by Network Rail under paragraph (1)—

(a) has effect as if duly made by, as the case may be—

(i) the traffic authority in whose area the street is situated, as a traffic regulation order under the 1984 Act; or

(ii) the local authority in whose area the street is situated, as an order under section 32(1)(power of local authorities to provide parking places) of the 1984 Act,

and the instrument by which it is effected may specify savings and exemptions to which the prohibition, restriction or other provision is subject; and

(b) be deemed to be a traffic order for the purposes of Schedule 7 to the Traffic Management Act 2004(2) (road traffic contraventions subject to civil enforcement).

(7) Any prohibition, restriction or other provision made under this article may be suspended, varied or revoked by Network Rail from time to time by subsequent exercise of the powers conferred by paragraph (1) within a period of 24 months from the opening of the authorised works for public use.

(8) Expressions used in this article and in the 1984 Act have the same meaning in this article as in that Act.

(9) The powers conferred on Network Rail by this article with respect to any road have effect subject to any agreement entered into by Network Rail with any person with an interest in (or who undertakes activities in relation to) premises served by the road.

(1) Section 32 was amended by Schedule 17 to the Local Government Act 1985 (c. 51).

(2) 2004 c. 18.