
STATUTORY INSTRUMENTS

2022 No. 651

**The Network Rail (Essex and Others
Level Crossing Reduction) Order 2022**

PART 4

TRAFFIC REGULATION

Traffic regulation

29.—(1) Subject to the provisions of this article and the consent of the traffic authority in whose area the road concerned is situated, such consent not to be unreasonably withheld, Network Rail may, in so far 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 order made, or having effect as if made, under the 1984 Act;
- (b) permit, prohibit or restrict the stopping, waiting, loading or unloading of vehicles on any road;
- (c) authorise the use as a parking place of any road;
- (d) make provision as to the direction or priority of vehicular traffic on any road;
- (e) make provision for vehicular speed limits 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 opening of the authorised works for use but subject to paragraph (5) any prohibition, restriction or other provision made under paragraph (1) may have effect both before and after the expiry of that period.

(3) Network Rail must consult the chief officer of police and the traffic authority in whose area the road is situated before complying with the 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 to do so in the case of a permission, prohibition, restriction or other provision intended to have effect permanently; or
 - (ii) 4 weeks' notice in writing of its intention to do so in the case of a permission, 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 road 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 subparagraph (a) (i), or within 7 days of its receipt of notice of Network Rail's intention in the case of subparagraph (a)(ii).

(5) 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 road is situated, as a traffic regulation order under the 1984 Act or, in the case of provision for vehicle speed limits, as an order under section 84(1) (speed limits on roads other than restricted roads) of that Act; or

(ii) the local authority in whose area the road is situated, as an order under section 32(2) (power of local authorities to provide parking places) or section 45(3) (designation of paying parking places on highways) 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) except in the case of provision for vehicle speed limits, is deemed to be a traffic order for the purposes of Schedule 7 (road traffic contraventions subject to civil enforcement) to the Traffic Management Act 2004(4).

(6) 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 use.

(7) Before exercising the powers conferred by paragraph (1) Network Rail must consult such persons as it considers necessary and appropriate and must take into consideration any representations made to it by any such person.

(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 84 was amended by section 168(1) of, and paragraph 61 of Part 2 of Schedule 8 to, the 1991 Act; section 45 of the Road Traffic Act 1991 (c. 40) and section 1(6) of, and paragraphs 70 and 88 of Part 2 of Schedule 1 to, the Infrastructure Act 2015 (c. 7).

(2) Section 32 was amended by section 102 of, and Schedule 17 to, the Local Government Act 1985 (c. 51) and section 168(1) of, and paragraph 39 of Schedule 8 to, the 1991 Act. There are other amendments to section 32 that are not relevant to this Order.

(3) Section 45 was amended by sections 8 and 102 of, and paragraph 4(19)(b) of Schedule 5 and Schedule 17 to, the Local Government Act 1985 (c. 51); section 1 of the Road Traffic Regulation (Parking) Act 1986 (c. 27); section 168(1) of, and paragraph 44 of Part 2 of Schedule 8 to, the 1991 Act and section 281 of, and Part 6 of Schedule 34 to, the Greater London Authority Act 1999 (c. 29). There are other amendments to section 45 that are not relevant to this Order.

(4) 2004 c. 18.