
STATUTORY INSTRUMENTS

2024 No. 526

**The Network Rail (Church Fenton
Level Crossing Reduction) Order 2024**

PART 4

MISCELLANEOUS AND GENERAL

Traffic regulation

32.—(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 make provision for a vehicular speed limit between points TR1 and TR2 of 40 miles per hour on both sides of the carriageway of Common Lane in the county of North Yorkshire.

(2) Without limitation on the scope of the specific powers conferred by paragraph (1) but 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, insofar as maybe 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.

(3) 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.

(4) When making an application for consent under paragraph (1), Network Rail must notify the traffic authority of the effect of paragraph (3).

(5) 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 is situated before complying with provisions of paragraph (6).

(6) 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 sub-paragraph (a)(ii).
- (7) 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, in the case of provision for vehicle speed limits, as an order under section 84 of that Act (speed limits on roads other than restricted roads); or
 - (ii) the local authority in whose area the street is situated, as an order under section 32 (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) 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(1).
- (8) 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.
- (9) Expressions used in this article and in the 1984 Act have the same meaning in this article as in that Act.
- (10) 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.