
STATUTORY INSTRUMENTS

2024 No. 526

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

PART 1

PRELIMINARY

Application of the 1991 Act

4.—(1) Works executed under this Order in relation to a highway which consists of or includes a carriageway are to be treated for the purposes of Part 3 (street works in England and Wales) of the 1991 Act as major transport works if—

- (a) they are of a description mentioned in any of paragraphs (a), (c) to (e), (g) and (h) of section 86(3) (which defines what highway authority works are major highway works) of that Act; or
- (b) they are works which, had they been executed by the highway authority, might have been carried out in exercise of the powers conferred by section 64(1) (dual carriageways and roundabouts) of the 1980 Act.

(2) The following provisions of the 1991 Act do not apply in relation to any works executed under the powers conferred by this Order—

- (a) section 56 (power to give directions as to timing of street works);
- (b) section 56A(2) (power to give directions as to placing of apparatus);
- (c) section 58(3) (restrictions on works following substantial road works);
- (d) section 73A (power to require undertaker to re-surface street);
- (e) section 73B (power to specify timing etc. of re-surfacing);
- (f) section 73C (materials, workmanship and standard of re-surfacing);
- (g) section 78A (contributions to costs of re-surfacing by undertaker); and
- (h) Schedule 3A(4) (restriction on works following substantial street works).

(3) The provisions of the 1991 Act mentioned in paragraph (4) which, together with other provisions of that Act, apply in relation to the carrying out of street works) and any regulations made or code of practice issued or approved under those provisions apply (with the necessary modifications) in relation to the temporary stopping up, temporary alteration or temporary diversion of a street by Network Rail under the powers conferred by article 11 (temporary stopping up of streets) and the carrying out of works under article 9 (power to execute street works) whether or not

(1) Section 64 was amended by section 102 of, and Schedule 17 to, the Local Government Act 1985 (c. 51) and section 168(2) of, and Schedule 9 to, the New Roads and Street Works Act 1991 (c. 22).

(2) Section 56A was inserted by section 44 of the Traffic Management Act 2004 (c. 18).

(3) Section 58 was amended by section 51 of the Traffic Management Act 2004.

(4) Schedule 3A was inserted by section 52(2) of, and Schedule 4 to, the Traffic Management Act 2004.

the stopping up, alteration or diversion, or the carrying out of such works, constitutes street works within the meaning of that Act.

- (4) The provisions of the 1991 Act referred to in paragraph (3) are—
- (a) section 54(5) (advance notice of certain works), subject to paragraph (5);
 - (b) section 55(6) (notice of starting date of works), subject to paragraph (5);
 - (c) section 57(7) (notice of emergency works);
 - (d) section 59(8) (general duty of street authority to co-ordinate works);
 - (e) section 60 (general duty of undertakers to co-operate);
 - (f) section 68 (facilities to be afforded to street authority);
 - (g) section 69 (works likely to affect other apparatus in the street);
 - (h) section 76 (liability for cost of temporary traffic regulation);
 - (i) section 77 (liability for cost of use of alternative route); and

all such other provisions as apply for the purposes of the provisions mentioned above.

(5) Section 54 and 55 of the 1991 Act as applied by paragraph (3) have effect as if references in section 57 of that Act to emergency works were a reference to a stopping up, alteration or diversion (as the case may be) required in a case of emergency.

- (6) Nothing in article 13 (construction and maintenance of new or altered highways)—
- (a) prejudices the operation of section 87 (prospectively maintainable highways) of the 1991 Act, and Network Rail is not, by reason of any duty under that article to maintain a street, to be taken to be a street authority in relation to that street for the purposes of Part 3 of that Act; or
 - (b) has effect in relation to street works with regard to which the provisions of Part 3 of the 1991 Act apply.

(5) Section 54 was amended by sections 40(1) and (2) and 49(1) of, and Schedule 1 to, the Traffic Management Act 2004.
(6) Section 55 was amended by sections 40(1) and (2), 49(2) and 51(9) of, and Schedule 1 to, the Traffic Management Act 2004.
(7) Section 57 was amended by sections 40(1) and (2) and 52(3) of the Traffic Management Act 2004.
(8) Section 59 was amended by section 42 of the Traffic Management Act 2004.