



**Law
Commission**
Reforming the law


Scottish Law Commission
promoting law reform

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Reforming the law on level crossings

Today (25 September 2013), the Law Commission for England and Wales and the Scottish Law Commission publish a joint report on the law governing level crossings.

There are between 7,500 and 8,000 level crossings on the railway network in Great Britain. Every year there are accidents on level crossings. These crossings can also cause considerable inconvenience to road users, pedestrians (particularly disabled users), horse riders and others.

The Law Commissions' report recommends reform of the law aimed at:

- Improving the safety regime for level crossings by bringing it into line with that of the railway generally, while making such special provision as is necessary
- Providing a new procedure to allow for the compulsory closure of level crossings.
- Clarifying the law relating to rights of way across railways.

Currently, safety is governed by a specific regime for level crossings alone (the Level Crossings Act 1983) which provides for inflexible and unresponsive orders, the legal status of which is uncertain. The proposed reforms would bring level crossings into the general Health and Safety at Work etc Act 1974 system, with special provision for level crossings plans to be made when it is desirable to do so.

There is no bespoke procedure for closing (if necessary, with replacement) road or private level crossings in England and Wales (only one for public footpath crossings), and none in Scotland. The proposals would create a new, speedy but fair system for compulsory closure.

Frances Patterson QC, lead Commissioner at the Law Commission, said

“These reforms will, if adopted by Government, make for a more efficient safety system for level crossings. It will also allow Network Rail to go further than they already have in closing as many level crossings as possible, reducing costs on both the railway and road networks.”

Dr Andrew Steven, lead Commissioner at the Scottish Law Commission, said

“Our recommendations provide a new legal framework for level crossings in Great Britain. In relation to Scotland we have sought carefully to draw a balance between the compelling need for safety on railway lines and the rights of the public to have access over land under the Land Reform (Scotland) Act 2003 and common law.”

Ian Prosser, Director of Railway Safety at the Office of Rail Regulation, said:

“The Office of Rail Regulation (ORR) welcomes the Law Commissions’ proposals to modernise level crossing legislation, which will cut red-tape and make it easier for high-risk crossings to be closed. Great Britain’s level crossings, although among the safest in Europe, pose a significant rail safety risk to the public. That is why we have announced millions of pounds’ worth of extra funds to close or upgrade level crossings over the next five years, and will work to support implementation of improved level crossing laws.”

The Commissions’ Report on Level Crossings, is available at:

<http://lawcommission.justice.gov.uk/areas/level-crossings.htm>

<http://www.scotlawcom.gov.uk/publications/>

Notes for Editors

The Law Commission and the Scottish Law Commission are non-political independent bodies, set up by Parliament in 1965 to keep all the law of England and Wales and of Scotland under review, and to recommend reform where it is needed.

For more details on this project, visit www.lawcom.gov.uk and www.scotlawcom.gov.uk

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