Explanatory Memorandum To

The Level Crossing (McConaghy's) Order (Northern Ireland) 2014

S.R. No. 229

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Regional Development to accompany The Level Crossing (McConaghy's) Order (Northern Ireland) 2014 which is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under powers conferred by section 66(1) and (2) of the Transport Act (Northern Ireland) 1967 and is subject to negative resolution procedure before the Assembly.

2. Purpose

2.1 This Order provides for a level crossing at McConaghy's which is situated in the Townland of Myroe in the Borough of Limavady in County Londonderry and takes account of the requirements for the automated crossing and its operational requirements.

3. Background

3.1 Northern Ireland Railways (NIR) is required to make application to the Department in accordance with section 66(4) of the Transport Act (NI) 1967 when seeking to introduce a Public Level Crossing made under that Act. The Act requires the Department to make a new Order for the level crossing and to take account of the requirements for its operational implementation.

3.2 This Order allows for the provision and maintenance of a system of automatic barriers at McConaghy's railway crossing. The Order reflects the new crossing and its operational requirements.

3.3 Section 47 of the Railways Clauses Consolidation Act 1854 (which requires the railway undertaking to provide gates and gatekeepers), section 6 of the Railway Clauses Act 1863 (requirements as to lodges etc.) and any other provision imposing requirements to the same or similar effect shall not apply to the crossing while this Order remains in force.

4. Consultation

4.1 The Department has completed an extensive consultation exercise in relation to the Statutory Rule. One response was received and the Department has formally responded.

5. Equality Impact

5.1 As part of the consultation on these legislative proposals the Department has written to all those parties in accordance with the Departments Equality Scheme. The Consultees attention was drawn to the Section 75 criteria and their views sought on any potential impacts that may arise from the implementation of these legislative proposals. The Department has considered the proposed legislative provisions against the Section 75 criteria and the responses to the consultation process and in conjunction with the Equality Unit and the Human Rights Unit has screened out the requirement for an Equality Impact Assessment in relation to these legislative proposals.

6. Regulatory Impact

6.1 The Department has considered the proposed legislative provisions against the criteria for regulatory impact and concluded that this is not required for these legislative proposals.

7. Financial Implications

7.1 There are no significant financial implications arising from the proposals and a regulatory impact assessment is not required.

8. Section 24 of the Northern Ireland Act 1998

8.1 There are no implications arising in relation to Section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1 These Regulations were notified in draft to the European Commission in accordance with Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services.

10. Parity or Replicatory Measure

10.1 Not applicable to this Statutory Rule.

11. Additional Information

11.1 The Provisions of the Order are as follows –

Regulation 3 provides for the provision of automatic equipment at McConaghy's railway crossing.

Schedule 1 provides particulars of the barriers, lights, traffic signs and other devices.

Schedule 2 provides conditions and requirements to be complied with by the Railway undertaking.

Department for Regional Development