Explanatory Memorandum To

The Private Crossings (Signs and Barriers) Regulations (Northern Ireland) 2014

S.R. No. 228

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Regional Development to accompany the Private Crossings (Signs and Barriers) Regulations (Northern Ireland) 2014 which is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under powers conferred by section 5 of, and Schedule 1 to, the Railway Safety Act (Northern Ireland) 2002 and is subject to negative resolution procedure before the Assembly.

2. Purpose

2.1 The purpose of these Regulations is to prescribe crossing signs and barriers for the purposes of section 5 and Schedule 1 of the Railway Safety Act (Northern Ireland) 2002 which authorises the operator of a railway that is crossed by a private road or path to cause or permit the placement near the crossing of crossing signs and barriers.

3. Background

3.1 Section 5 of, and Schedule 1 to, the Railway Safety Act (Northern Ireland) 2002 authorises the operator of a railway that is crossed by a private road or path to cause or permit the placement near the crossing of crossing signs and barriers that are prescribed in Regulations made by the Department for Regional Development.

3.2 The Regulations prescribe crossing signs and barriers for the purpose of section 5 and Schedule 1.

3.3 Any person who fails to comply with any requirements, restriction or prohibition conveyed by a crossing sign lawfully placed on or near a private road or path near a place where it crosses a railway shall be guilty of an offence under the Railway Safety Act (Northern Ireland) 2002 and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale (£1000).

4. Consultation

4.1 The Department has completed an extensive consultation exercise in relation to the Statutory Rule. Two responses were received to the proposals but no comments were made on the legislation. The Department has responded to the consultees.

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 makes provision in relation to the size, colour and type of crossings signs.

Regulation 4 makes provision in relation to the colours of the backs of crossing signs and any post or structure provided for mounting the sign.

Regulation 5 makes provision for the dimensions of signs.

Regulation 6 makes provision for permitted variants to signs.

Regulation 7 makes provision for the illumination of signs.

Regulation 8 makes provision for size, colour and illumination of miniature stop lights.

Regulation 9 makes provision for the placement of a barrier where a railway is crossed by a private road or path.

Regulation 10 makes provision for the placement of signs relating to telephones.

Department for Regional Development