
STATUTORY INSTRUMENTS

2005 No. 120

The Merseytram (Liverpool City Centre to Kirkby) Order 2005

PART 4

OPERATION OF TRAM SYSTEM

Power to make byelaws

50.—(1) Merseytravel may make byelaws regulating the use and operation of, and travel on, the authorised tram system, the maintenance of order on the authorised tram system and on tram system premises or other facilities provided in connection with the authorised tram system and the conduct of all persons, including employees of Merseytravel, while on the authorised tram system or on tram system premises.

(2) Without prejudice to the generality of paragraph (1), byelaws under this article may make provision—

- (a) with respect to tickets issued for travel on the authorised tram system, the payment of fares and charges and the evasion of payment of fares and charges;
- (b) with respect to interference with, or obstruction of, the operation of the authorised tram system or other facilities provided in connection with the authorised tram system;
- (c) with respect to access to and the carriage, use or consumption of anything on tram system premises;
- (d) with respect to the prevention of nuisances on tram system premises;
- (e) for regulating the passage of bicycles and other vehicles on ways and other places intended for the use of persons on foot within tram system premises;
- (f) for the safe custody and re-delivery or disposal of any property accidentally left on tram system premises and for fixing the charges made in respect of any such property;
- (g) for prohibiting or restricting the placing or leaving of any vehicle without its driver on any part of the authorised tram system or on tram system premises; and
- (h) subject to article 19(6)(a), for regulating (but not requiring) the maintenance of the façades of buildings to which any equipment has been attached pursuant to article 19 above.

(3) In paragraphs (1) and (2) references to “tram system premises” are references to premises of Merseytravel used for or in connection with the operation of the authorised tram system including any depot or building and any tramcar.

(4) Byelaws under this article may provide for it to be an offence for a person to contravene, or to fail to comply with, a provision of the byelaws and for such a person to be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) Without prejudice to the taking of proceedings for an offence included in byelaws by virtue of paragraph (4), if the contravention of, or failure to comply with, any byelaw under this article is attended with danger or annoyance to the public, or hindrance to Merseytravel in the operation of the

tram system, Merseytravel may summarily take action to obviate or remove the danger, annoyance or hindrance.

(6) Before making any byelaws under this article Merseytravel shall consult the Council on the proposed byelaws.

(7) Byelaws under this article shall not come into operation until they have been confirmed by the Secretary of State.

(8) At least 28 days before applying for any byelaws to be confirmed under this article, Merseytravel shall publish in such manner as may be approved by the Secretary of State a notice of its intention to apply for the byelaws to be confirmed and of the place at which and the time during which a copy of the byelaws will be open to public inspection; and any person affected by any of the byelaws may make representations on them to the Secretary of State within a period specified in the notice, being a period of not less than 28 days.

(9) For at least 24 days before an application is made under this article for byelaws to be confirmed, a copy of the byelaws shall be kept at the principal office of Merseytravel and shall at all reasonable hours be open to public inspection without payment.

(10) Merseytravel shall, at the request of any person, supply him with a copy of any such byelaws on payment of such reasonable sum as Merseytravel may determine.

(11) The Secretary of State may confirm with or without modification, or may refuse to confirm, any of the byelaws submitted under this article for confirmation and, as regards any byelaws so confirmed, may fix a date on which the byelaws shall come into operation; and if no date is so fixed the byelaws shall come into operation after the expiry of 28 days after the date on which they were confirmed.

(12) The Secretary of State may charge Merseytravel such fees in respect of any byelaws submitted for confirmation under this article as he may consider appropriate for the purpose of defraying any administrative expenses incurred by him in connection therewith.

(13) A copy of the byelaws when confirmed shall be printed and deposited at the principal office of Merseytravel and shall at all reasonable hours be open to public inspection without payment, and Merseytravel shall, at the request of any person, supply him with a copy of any such byelaws on payment of such reasonable sum as Merseytravel shall determine.

(14) The production of a printed copy of byelaws confirmed under this article on which is endorsed a certificate purporting to be signed by a person duly authorised by Merseytravel stating—

- (a) that the byelaws were made by Merseytravel;
- (b) that the copy is a true copy of the byelaws;
- (c) that on a specified date the byelaws were confirmed by the Secretary of State; and
- (d) the date when the byelaws came into operation;

shall be *prima facie* evidence of the facts stated in the certificate.

(15) In this article—

- (a) “building” includes any structure and a bridge or aqueduct; and
- (b) “the Council” means Liverpool City Council in relation to its area and Knowsley Metropolitan Borough Council in relation to its area.