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STATUTORY INSTRUMENTS

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**2005 No. 3523**

**The Cambridgeshire Guided Busway Order 2005**

**PART 4**

**OPERATION OF BUSWAY SYSTEM**

**Power to make byelaws**

**45.**—(1) The undertaker may make byelaws regulating the use and operation of, and travel on the authorised guided busway, the maintenance of order on the authorised guided busway and on authorised guided busway premises or other facilities provided in connection with the busway system and the conduct of all persons including employees of the undertaker while on the authorised guided busway or on authorised guided busway 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 guided busway, 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 guided busway or other facilities provided in connection with the authorised guided busway;
- (c) with respect to access to and the carriage, use or consumption of anything on the authorised guided busway or on authorised guided busway premises;
- (d) with respect to the prevention of nuisance or trespass on the authorised guided busway or on authorised guided busway 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 authorised guided busway premises;
- (f) for the safe custody and re-delivery or disposal of any property accidentally left on the authorised guided busway or on authorised guided busway premises and for fixing the charges made in respect of any such property; and
- (g) for prohibiting or restricting the placing or leaving of any vehicle without its driver on any part of the busway system or on authorised guided busway premises.

(3) In paragraphs (1) and (2) references to “authorised guided busway premises” are references to premises of the undertaker used for or in connection with the operation of the authorised guided busway including any authorised busway vehicle.

(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) Byelaws under the article may provide that any person so authorised by the undertaker may lawfully apprehend and detain any person who is reasonably believed to be committing or attempting to commit an offence under the byelaws, or to have done so, until that person can be properly charged with that offence or discharged by due process of law.

(6) 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 the undertaker in the operation of the authorised guided busway, the undertaker may summarily take action to obviate or remove the danger, annoyance or hindrance.

(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, the undertaker 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 the undertaker and shall at all reasonable hours be open to public inspection without payment.

(10) The undertaker shall, at the request of any person, supply him with a copy of any such byelaws on payment of such reasonable sum as the undertaker 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 the undertaker 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 the undertaker and shall at all reasonable hours be open to public inspection without payment, and the undertaker shall, at the request of any person, supply him with a copy of any such byelaws on payment of such reasonable sum as the undertaker 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 the undertaker stating—

- (a) that the byelaws were made by the undertaker;
- (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.