
STATUTORY INSTRUMENTS

2013 No. 3244

**The Ashton Vale to Temple Meads and
Bristol City Centre Rapid Transit Order 2013**

PART 4

OPERATION OF THE TRANSPORT SYSTEMS

Power to operate and use transport systems

36.—(1) The promoter may operate and use the rapid transit system as a system, or part of a system, of transport for the carriage of passengers and goods.

(2) The promoter may operate and use the harbour railway system for the carriage of passengers and goods.

(3) Subject to paragraph (5) and article 45 (powers of disposal, agreements for operation, etc.), the promoter has, for the purpose of operating the rapid transit system, the exclusive right to use the authorised guided busway and any apparatus or facilities used for operation of the rapid transit system and to permit others to do so on such terms as it considers appropriate.

(4) Any person who, without the consent of the promoter or other reasonable excuse, uses the apparatus mentioned in paragraph (3) is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) Nothing in this article restricts the exercise of any public right of way over any part of a street in which apparatus is situated in pursuance of the provisions of this Order except to the extent that the exercise of the right is constrained by the presence of the apparatus.

Power to charge fares

37.—(1) The promoter may demand, take and recover or waive such charges for carrying passengers or goods on the transport systems, or for any other services or facilities provided in connection with the transport systems, as it thinks fit.

(2) The promoter may enter into and carry into effect agreements with other persons providing public passenger transport services with regard to the issue of tickets and the making of through ticketing arrangements or for the purpose of generally co-ordinating the provision of those services with the operation of the transport systems.

(3) In this article, “public passenger transport service” has the meaning given by section 63(10) (a) of the Transport Act 1985⁽¹⁾.

Removal of obstructions

38.—(1) If any obstruction is caused to rapid transit vehicles or harbour railway vehicles by a vehicle waiting, loading, unloading or breaking down on any part of the transport systems, the person

(1) 1985 c. 67.

in charge of the vehicle must immediately remove it; and if that person fails to do so the promoter may take all reasonable steps to remove the obstruction and may recover the expenses reasonably incurred in doing so from—

- (a) any person by whom the vehicle was put or left so as to become an obstruction to rapid transit vehicles or harbour railway vehicles using the transport systems; or
- (b) any person who was the owner of the vehicle at that time unless that person shows that, at that time, the person was not concerned in or aware of the vehicle being so put or left.

(2) If any obstruction is caused to rapid transit vehicles or harbour railway vehicles by a load falling on the transport systems from a vehicle, the person in charge of the vehicle must remove the load immediately from the transport systems; and if that person fails to do so, the promoter may take all reasonable steps to remove the load and may recover the expenses reasonably incurred in doing so from—

- (a) any person who was in charge of the vehicle at the time when the load fell from it; or
- (b) any person who was the owner of the vehicle at that time unless that person shows that, at that time, the person was not concerned in, or aware of, the vehicle being in the place at which the load fell from it.

(3) For the purposes of this article the owner of a vehicle is taken to be the person by whom the vehicle is kept; and in determining for those purposes who was the owner of the vehicle at any time, it will be presumed (unless the contrary appears) that the owner was the person in whose name the vehicle was at that time registered under the Vehicles Excise and Registration Act 1994(2).

(4) A person who, wilfully and without lawful excuse—

- (a) interferes with or removes the transport systems or any part of the them or the works connected with them;
- (b) places or throws materials or objects of any kind on any part of the transport systems; or
- (c) does anything which obstructs any rapid transit vehicle or harbour railway vehicle using the transport systems, whether or not such obstruction endangers the lives of any person in that vehicle,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Traffic signs

39.—(1) The promoter may, for the purposes of, or in connection with the construction or operation of the transport systems, place or maintain traffic signs of a type prescribed by regulations made under section 64(1)(a) (general provisions as to traffic signs) of the 1984 Act or of a character authorised by the Secretary of State on any street in which the transport systems are to operate or which gives access to such a street, or on any street in connection with any instrument made under article 40 (traffic regulation) or any other street as reasonably required for conveying information to traffic.

(2) The promoter—

- (a) must consult with the traffic authority as to the placing of signs; and
- (b) unless the traffic authority is unwilling to do so and subject to any directions given under section 65 (powers and duties of highway authorities as to placing of traffic signs) of the 1984 Act, must enter into arrangements with the traffic authority for the signs to be placed and maintained by the traffic authority.

(3) Any power conferred by section 65 of the 1984 Act to give directions to a traffic authority or local traffic authority as to traffic signs includes a power to give directions to the promoter as to traffic signs under this article; and, accordingly, the powers conferred by paragraph (1) are exercisable subject to and in conformity with any directions given under that section.

(4) A traffic authority or other authority having power under or by virtue of the 1984 Act to place and maintain, or cause to be placed and maintained, traffic signs on any street in which the transport systems are operating or which gives access to such a street must consult with the promoter as to the placing of any traffic sign which would affect the operation of the transport systems.

(5) Rapid transit vehicles and harbour railway vehicles are taken to be public service vehicles for the purposes of section 122(2)(c) (exercise of functions by local authorities) of the 1984 Act.

(6) Expressions used in this article and in the 1984 Act have the same meaning in this article as in that Act.

Traffic regulation

40.—(1) Subject to the provisions of this article, and the consent of the traffic authority in whose area the road concerned is situated, which consent must not be unreasonably withheld, the promoter may, for the purposes of the transport systems—

- (a) permit, prohibit or restrict the stopping, waiting, loading or unloading of vehicles in the manner specified in Part 1 of Schedule 8 (traffic regulation) on those roads specified in column (2) and along the lengths and between the points specified in columns (1) and (3) of that Part of that Schedule;
- (b) permit or prohibit vehicular access in the manner specified in Part 2 of Schedule 8 to those roads specified in column (2) and along the lengths, between the points and as respects direction to the extent specified in columns (1) and (3) of that Part of that Schedule;
- (c) create new bus lanes in the manner specified in Part 3 of Schedule 8 on those roads specified in column (2) and along the lengths, between the points and as respects direction to the extent specified in columns (1) and (3) and for the uses specified in column (4) of that Part of that Schedule; and
- (d) revoke any traffic regulation order under the 1984 Act in so far as it is inconsistent with any prohibition, restriction or other provision made by the undertaker under this paragraph.

(2) Without limitation on the scope of the specific powers conferred by paragraph (1) but subject to the provisions of this article and the consent of the traffic authority in whose area the road concerned is situated, which consent must not be unreasonably withheld, the promoter may, in so far as may be necessary or expedient for the purposes of, in connection with, or in consequence of the construction, maintenance or operation of the transport systems—

- (a) revoke, amend or suspend in whole or in part any order made, or having effect as if made, under the 1984 Act;
- (b) permit, prohibit or restrict the stopping, waiting, loading or unloading of vehicles on any road;
- (c) authorise the use as a parking place of any road;
- (d) make provision as to the direction or priority of vehicular traffic on any road; and
- (e) permit or prohibit vehicular access to any road,

either at all times or at times, on days or during such periods as may be specified by the promoter.

(3) The powers in paragraphs (1) and (2) may be exercised at any time prior to the expiry of 12 months from the opening of the transport systems for public use but subject to paragraph (7) any prohibition, restriction or other provision made under paragraphs (1) or (2) may have effect both before and after the expiry of that period.

- (4) The promoter must consult the chief officer of police and the traffic authority in whose area the road is situated before complying with the provisions of paragraph (5).
- (5) The promoter must not exercise the powers conferred by paragraph (1) or (2) unless it has—
- (a) given not less than—
 - (i) 12 weeks' notice in writing of its intention so to do in the case of a prohibition, restriction or other provision intended to have effect permanently; or
 - (ii) 4 weeks' notice in writing of its intention to do so in the case of a prohibition, restriction or other provision intended to have effect temporarily,
 to the chief officer of police and to the traffic authority in whose area the road is situated; and
 - (b) advertised its intention in such manner as the traffic authority may specify in writing within 28 days of its receipt of notice of the promoter's intention in the case of sub-paragraph (a) (i), or within 7 days of its receipt of notice of the promoter's intention in the case of sub-paragraph (a)(ii).
- (6) Any prohibition, restriction or other provision made by the promoter under paragraph (1) or (2)—
- (a) has effect as if duly made by, as the case may be—
 - (i) the traffic authority in whose area the road is situated, as a traffic regulation order under the 1984 Act; or
 - (ii) the local authority in whose area the road is situated, as an order under section 32 of the 1984 Act,
 and the instrument by which it is effected may specify savings and exemptions (in addition to those mentioned in Schedule 8) to which the prohibition, restriction or other provision is subject; and
 - (b) is deemed to be a traffic order for the purposes of Schedule 7 to the Traffic Management Act 2004⁽³⁾ (road traffic contraventions subject to civil enforcement).
- (7) Any prohibition, restriction or other provision made under this article may be suspended, varied or revoked by the promoter from time to time by subsequent exercise of the powers of paragraph (2) within a period of 24 months from the opening of the transport systems for public use.
- (8) Before exercising the powers of paragraph (2) the promoter must consult such persons as it considers necessary and appropriate and must take into consideration any representations made to it by any such person.
- (9) Expressions used in this article and in the 1984 Act have the same meaning in this article as in that Act.
- (10) The powers conferred on the promoter by this article with respect to any road have effect subject to any agreement entered into by the promoter with any person with an interest in (or who undertakes activities in relation to) premises served by the road.

Power to lop trees overhanging transport systems

- 41.**—(1) The promoter may fell or lop any tree or shrub near any part of the transport systems, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub—
- (a) from obstructing or interfering with the construction, maintenance or operation of the transport systems or any apparatus used for the purposes of the transport systems; or
 - (b) from constituting a danger to passengers or other persons using the transport systems.

(3) 2004 c. 18

(2) In exercising the powers conferred by paragraph (1), the promoter must not cause unnecessary damage to any tree or shrub and must pay compensation to any person for any loss or damage arising from the exercise of those powers.

(3) Any dispute as to a person's entitlement to compensation under paragraph (2), or as to the amount of the compensation, is to be determined under Part 1 of the 1961 Act.

Trespass on the transport systems

42.—(1) Any person who—

- (a) trespasses on any part of the transport systems which are not situated in a street; or
- (b) trespasses on any land of the promoter in dangerous proximity to the transport systems or to any electrical or other apparatus used for or in connection with the operation of the transport systems,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) No person is to be convicted of an offence under this article unless it is shown that a notice warning the public not to trespass upon the transport systems was clearly exhibited and maintained at the stop on the transport systems nearest the place where the offence is alleged to have been committed.

Power to make byelaws

43.—(1) The promoter may make byelaws regulating—

- (a) the use and operation of, and travel on, the transport systems;
- (b) the maintenance of safety and order on the transport systems, on any street along which the transport systems are to operate and on rapid transit system premises, harbour railway premises or other facilities provided in connection with the transport systems, where necessary to ensure the safe operation and use of the transport systems; and
- (c) the conduct of all persons, including employees of the promoter, while on rapid transit premises or harbour railway premises, or which could affect the safe operation and use of the transport systems.

(2) Without limitation on the scope of paragraph (1), byelaws made under this article may make provision—

- (a) with respect to tickets issued for travel on the transport systems (in whatever form), 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 transport systems or other facilities provided in connection with the transport systems;
- (c) with respect to access to, and the carriage, use or consumption of anything on, rapid transit premises or harbour railway premises;
- (d) with respect to the prevention of nuisances on rapid transit premises or harbour railway 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 rapid transit premises or harbour railway premises;
- (f) for the safe custody and re-delivery or disposal of any property accidentally left on rapid transit premises or harbour railway 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 transport systems or on rapid transit premises or harbour railway premises.

(3) Byelaws made 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.

(4) Without affecting the taking of proceedings for an offence included in byelaws by virtue of paragraph (3), if the contravention of, or failure to comply with, any byelaw made under this article is attended with danger or annoyance to the public, or hindrance to the promoter in the operation of the transport systems, the promoter may immediately take action to obviate or remove the danger, annoyance or hindrance.

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

(6) At least 28 days before applying for any byelaws to be confirmed under this article, the promoter must 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 times 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.

(7) For at least 24 days before an application is made under this article for byelaws to be confirmed, a copy of the byelaws must—

- (a) be kept at the principal office of the promoter and must be open to public inspection without payment at all reasonable hours, and
- (b) be made available on the promoter's website (if any).

(8) The promoter must, at the request of any person, supply that person with a copy of any such byelaws on payment of such reasonable sum as the promoter may determine.

(9) 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 are to come into operation; and if no date is so fixed the byelaws come into operation after the expiry of 28 days after the date on which they were confirmed.

(10) The Secretary of State may charge the promoter such fees in respect of any byelaws submitted for confirmation under this article as the Secretary of State may consider appropriate for the purposes of defraying any administrative expenses incurred in connection with the confirmation of those byelaws.

(11) A copy of any byelaws when confirmed must be printed and deposited at the principal office of the promoter and must be open to public inspection without payment at all reasonable hours, and the promoter must, at the request of any person, supply that person with a copy of any such byelaws on payment of such reasonable sum as the promoter determines.

(12) The production of a printed copy of any byelaws made under this article on which is endorsed a certificate purporting to be signed by a person duly authorised by the promoter stating—

- (a) that the byelaws were made by the promoter;
- (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,

is rebuttable evidence of the facts stated in the certificate.

Power to contract for police services

44.—(1) The promoter may enter into any agreement with a police authority and its chief officer for the police force maintained by that authority to provide policing services for or in connection with the transport systems, including at any rapid transit premises or harbour railway premises.

(2) Any such agreement may provide for—

- (a) the promoter to make such payment or other consideration for those policing services as the parties may agree; and
- (b) such incidental and ancillary matters as the parties consider appropriate.

(3) In this article—

- (a) “chief officer” means a chief officer of police within the meaning of the Police Act 1996⁽⁴⁾ or the Chief Constable of the British Transport Police Force; and
- (b) “police authority” means a police authority within the meaning of that Act or the British Transport Police Authority within the meaning of the Railways and Transport Safety Act 2003⁽⁵⁾.

Powers of disposal, agreements for operation, etc.

45.—(1) The promoter may, with the consent of the Secretary of State, enter into agreements—

- (a) to transfer, charge or otherwise dispose of to another person (“the transferee”) any interest of the promoter in the authorised works or the promoter’s right to construct, maintain, use or operate the authorised works; or
- (b) to grant to another person (“the lessee”) for a period agreed between the promoter and the lessee any interest of the promoter in the authorised works or the promoter’s right to construct, maintain, use or operate the authorised works; and
- (c) that are connected with or consequential on any agreement entered into under subparagraph (a) or (b).

(2) Any agreement referred to in paragraph (1) may provide—

- (a) for any matters that are connected with the matters referred to in that paragraph or are consequential on them;
- (b) for the financing or defraying of, or the making of contributions by the promoter or by any other person towards, the cost of constructing, maintaining, using or operating the authorised works; and
- (c) for the transferee, the lessee or any other person to exercise, enjoy or be responsible for any related functions of the promoter, including its functions comprised in this Order, either exclusively or concurrently with the promoter or any other person.

(3) Where an agreement has been made under paragraph (1), references in this Order to the promoter include references to the transferee, the lessee or any other person who may exercise, enjoy or be responsible for any related functions of the promoter under that agreement.

(4) The exercise of the powers conferred by any enactment by any person in pursuance of any agreement made under paragraph (1) is subject to the same restrictions, liabilities and obligations as would apply under this Order if those powers were exercised by the promoter.

(5) The promoter may provide to any person in any agreement made under paragraph (1), or in connection with or in consequence of any such agreement, or otherwise in connection with

(4) 1996 c. 16.

(5) 2003 c. 20.

the design, construction, financing, maintenance, use or operation of the authorised works, such guarantees, indemnities or other forms of security as it considers to be necessary or appropriate.

- (6) In this article—
- (a) “functions” means statutory and other powers, duties, rights, interests and obligations; and
 - (b) references to the authorised works include references to any land held in connection with the authorised works.

Application of landlord and tenant law

46.—(1) This article applies to—

- (a) any agreement for leasing to any person the whole or any part of the transport systems or the right to operate the same; and
- (b) any agreement entered into by the promoter with any person for the construction, maintenance, use or operation of the transport systems, or any part of them,

so far as any such agreement relates to the terms on which any land which is the subject of a lease granted by or under that agreement is to be provided for that person’s use.

(2) No enactment or rule of law regulating the rights and obligations of landlords and tenants affects the operation of any agreement to which this article applies.

(3) No such enactment or rule of law applies in relation to the rights and obligations of the parties to any lease granted by or under any such agreement so as to—

- (a) exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter;
- (b) confer or impose on any such party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or
- (c) restrict the enforcement (whether by action for damages or otherwise) by any party to the lease of any obligation of any other party under the lease.

Registration of busway services and substitute road services

47.—(1) The promoter may provide, or secure the provision by other persons of, services for the carriage of passengers by road (“substitute services”) where the rapid transit system has been curtailed, discontinued or temporarily interrupted.

(2) The route, frequency and stopping places of any substitute service need not correspond with the route of the interrupted, curtailed or discontinued service.

(3) Section 6 of the Transport Act 1985(6) does not apply to any substitute services.

(4) For the purposes of the application of Part 1 of the Transport Act 1985, but subject to paragraphs (1) to (3), the authorised guided busway is a road within the meaning of section 137(1) of that Act.

(6) 1985 c. 67.