

**TRANSPORT FOR LONDON**

**SURFACE TRANSPORT PANEL**

**SUBJECT: ROAD TRANSPORT PREMISES BYELAWS**

**MEETING DATE: 19 MAY 2009**

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**1 PURPOSE**

- 1.1 The purpose of this paper is to request that the Panel considers and makes recommendations to the Board to approve the draft Road Transport Premises Byelaws (“the draft RTP Byelaws”).

**2 BACKGROUND**

- 2.1 Under section 25 of the London Transport Act 1969 (“the 1969 Act”), TfL may make byelaws regulating the use and operation of, and the conduct of people on, TfL's road transport premises. Road transport premises include garages, depots, bus stations, shelters and other premises used to provide London's bus services as well as vehicles and equipment on these premises. It is a criminal offence to breach a byelaw.
- 2.2 The draft RTP Byelaws will replace the Road Transport Premises Byelaws 1971. A copy of the draft RTP Byelaws is attached as Appendix 1.
- 2.3 A set of framework byelaws has been issued for national railways (“the framework byelaws”). DfT requested that TfL adopt the framework byelaws, with necessary changes, for its railways so that a standardised set of byelaws applies across the railway industry. To ensure consistency across TfL services, the framework byelaws, with necessary changes, form the basis of the draft RTP Byelaws. Initial consultation with DfT on the proposed changes included in the draft RTP Byelaws has taken place and DfT has indicated that it will provide further comments once the Byelaws have been submitted for confirmation.
- 2.4 Pursuant to TfL's Standing Order No. 2, amendments to existing byelaws are a matter reserved to the Board. Subject to the recommendation of the Panel, the Board at its meeting on 24 June 2009 will be asked to approve the draft RTP Byelaws. Once the Byelaws are approved by the Board, they must be submitted to the Secretary of State for confirmation pursuant to section 67 of the Transport Act 1962. Further public consultation on the Byelaws will be undertaken by the Secretary of State prior to confirmation.

**3 SUMMARY OF PROPOSED CHANGES IN THE DRAFT RTP BYELAWS**

- 3.1 The proposed changes included in the draft RTP Byelaws are as follows.
- a) Byelaw 2, which controls potentially dangerous items, has been amended to reflect wording in the framework byelaws.

- b) Byelaw 3, which prohibits smoking, has been amended to be consistent with the national smoking ban. Smoking is banned on all road transport premises (not just parts covered by the national ban) if there is a 'no smoking' notice in place.
- c) Byelaw 4: Alcohol and controlled drugs, has been amended to ban open containers of alcohol and the consumption of alcohol on road transport premises in accordance with the Mayor's alcohol ban.
- d) Byelaw 9: Equipment and obstructions, has been amended specifically to prohibit people throwing items on road transport premises and to regulate conduct on escalators.
- e) Byelaw 11: Control of animals, has been amended to allow trained assistance dogs and police dogs to walk up escalators in motion.
- f) Byelaw 13: Offence and level of fine, increases the level of fine for breach of a byelaw to level 3 on the standard scale, which under the Criminal Justice Act 1988 ("the 1988 Act") is an amount not exceeding £1,000. Level 3 is the level of fine for breach of other TfL Byelaws.
- g) New byelaws 14, 15, 16 and 17 have been added from the framework byelaws relating to enforcement. These byelaws provide for the removal of persons from the premises, require authorised persons to identify themselves, specifically exclude authorised persons from certain byelaws and provide a defence for persons if notices required under the byelaws are not displayed.

3.2 In addition, minor changes have been made to the wording of individual byelaws to ensure consistency (to the extent possible) with other TfL byelaws and the framework byelaws.

## **4 EQUALITY AND INCLUSION**

4.1 There are no negative impacts on equality and inclusion and some of the proposed changes to the byelaws are envisaged to have a positive effect. For example, trained assistance dogs will now be able to walk up escalators while in motion, making it easier for people with disabilities to access the premises.

## **5 CRIME AND DISORDER**

5.1 All of the draft RTP Byelaws create criminal offences. The draft RTP Byelaws are designed to ensure comfort and safety on road transport premises by minimising unpleasant and dangerous conduct and behaviour, ensuring equipment and property is protected and safety is managed by prohibiting access to dangerous or restricted areas.

5.2 The draft RTP Byelaws will have a positive impact which will minimise crime and disorder and improve safety on TfL's road transport premises.

## **6 ALTERNATIVES**

- 6.1 Maintain current position. However, the proposed changes contained in the draft RTP Byelaws could not be enforced on TfL's road transport premises.

## **7 CONSULTATION**

- 7.1 TfL conducted a non-statutory consultation with the British Transport Police, the Metropolitan Police, the City of London Police, Network Rail, Association of Train Operating Companies and London TravelWatch on the draft RTP Byelaws from 8 April to 6 May 2009.
- 7.2 One response was received to the consultation from BTP who, while supportive of the proposed changes suggested two additional provisions for inclusion in the Byelaws. BTP suggested a provision should be included allowing the BTP to stop and search people to identify persons who may be carrying dangerous weapons and also a provision allowing the BTP to carry out spot analysis tests on containers of liquid to determine if they contain alcohol. As the police have existing powers in this regard, no changes to the draft RTP Byelaws are proposed.

## **8 RECOMMENDATIONS**

- 8.1 The Panel is asked to RECOMMEND that the Board:
- a) approve the draft RTP Byelaws; and
  - b) delegate authority to the Commissioner to make the RTP Byelaws and submit the RTP Byelaws to the Secretary of State for confirmation and make any consequential amendments.

## **9 CONTACT**

- 9.1 Contact: Howard Carter, General Counsel  
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## **TRANSPORT FOR LONDON ROAD TRANSPORT PREMISES BYELAWS**

**Made by Transport for London under section 25 of the London Transport Act 1969 and confirmed under section 67 of the Transport Act 1962 by the Secretary of State for Transport on [INSERT DATE] for regulating the use and operation of road transport premises belonging to, leased to, or worked by Transport for London or its subsidiaries, and the approaches thereto; and the conduct of all persons while on those premises including officers and employees of Transport for London and its subsidiaries (“the Byelaws”).**

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## **INTRODUCTION**

The Byelaws apply to garages, depots, bus stations, shelters and other premises used to provide London's bus services. They also apply to any vehicles or equipment on these premises. These Byelaws need to be observed by everyone to ensure ease of travel and safety on these premises.

### **Conduct and behaviour**

Some practices can be generally unpleasant or dangerous. To make using road transport premises more comfortable and safer, unacceptable behaviour is banned on these premises. Other activities have limits imposed on them so that the majority of passengers can travel in comfort.

### **Control of premises**

Safety is paramount to the running of all transport services. The Byelaws are very clear on matters of safety in order to protect equipment and property, as well as passengers and staff.

There are areas across the transport system that have restricted access, for example pedestrian-only areas, as using other forms of transport (for example, bicycles), may cause a danger. Also, access is not allowed on any non-public parts of the network. Various rules relating to the carriage of animals are also needed.

The Byelaws are there to help everyone to travel easily and safely. This can only be achieved if all passengers take time to consider their actions and observe the Byelaws.

A copy of the Byelaws can be found on Transport for London's website [www.tfl.gov.uk](http://www.tfl.gov.uk) or obtained from:

**Central Customer Services**  
**23<sup>rd</sup> Floor**  
**Empress State Building**  
**Empress Approach**  
**London**  
**SW6 1TR**

**For definitions of the terms used in the Byelaws please refer to Byelaw 18**

## **CONDUCT AND BEHAVIOUR**

### **1. Queuing**

- (1) The Operator or an authorised person may require any person to queue in order to regulate order or safety on or near the premises.
- (2) Any person directed by a notice to queue or when asked to queue by an authorised person, shall join the rear of the queue and obey the reasonable instructions of any authorised person regulating the queue.

### **2. Potentially dangerous items**

- (1) Except with written permission from the Operator or an authorised person, no person shall bring with him, attempt to bring with him or allow to remain on the premises any potentially dangerous item.
- (2) A potentially dangerous item is an item which, in the reasonable opinion of an authorised person, may or may be used to threaten, annoy, soil or damage any person or any property. For the avoidance of doubt, a potentially dangerous item may include, but is not limited to:
  - (i) a loaded weapon of any kind;
  - (ii) any flammable, explosive or corrosive substance; and
  - (iii) any item which is or may become dangerous.
- (3) If any person in charge of an item in breach of Byelaw 2(1) is asked by an authorised person to remove it and fails to do so immediately it may be removed by or under the direction of an authorised person.

### **3. Smoking**

No person shall smoke or carry a lit cigar, cigarette, lighter, match, pipe, or other lighted item on any part of the premises on or which there is a notice indicating that smoking is not allowed.

### **4. Alcohol and controlled drugs**

- (1) No person shall enter, attempt to enter or remain on the premises if he is unfit as a result of being drunk or under the influence of controlled drugs.
- (2) No person shall enter, attempt to enter or remain on the premises while in possession of an open container of alcohol unless expressly permitted to do so in a particular area.

- (3) No person shall consume alcohol on the premises unless expressly permitted to do so in a particular area.
- (4) Where an authorised person reasonably believes that any person is unfit to enter or remain on the premises or is in possession of alcohol in contravention of any provision of Byelaw 4, the authorised person may:
  - (i) require him to leave the premises;
  - (ii) prevent him entering or remaining on the premises until the authorised person is satisfied that he is no longer in an unfit condition or no longer has any alcohol with him in contravention of this Byelaw 4; and
  - (iii) remove any alcohol or controlled drugs.

## **5. Unfit condition**

No person shall enter or remain on the premises if, in the reasonable opinion of an authorised person, he is in an unfit or improper condition or his clothing may soil or damage the premises or any property or clothing of other users of the premises.

## **6. Unacceptable behaviour**

- (1) No person shall use any threatening, abusive, obscene or offensive language on the premises.
- (2) No person shall behave in a disorderly, indecent or offensive manner on the premises.
- (3) No person shall write, draw, paint or fix anything on the premises.
- (4) No person shall soil any part of the premises.
- (5) No person shall damage or detach any part of the premises.
- (6) No person shall spit on the premises.
- (7) No person shall leave litter or waste on the premises, except into receptacles specifically provided by the Operator for that purpose.
- (8) No person shall molest or wilfully interfere with the comfort or convenience of any person on the premises.

## **7. Music, sound, advertising and similar activities**

- (1) Except with written permission from the Operator no person on the premises shall, to the annoyance of any person:
  - (i) sing; or

- (ii) use any instrument, article or equipment for the production or reproduction of sound.
- (2) Except with written permission from the Operator no person on the premises shall:
- (i) display anything for the purpose of advertising or publicity, or distribute anything; or
  - (ii) sell anything or expose or offer anything for sale; or
  - (iii) tout or solicit for money, reward, custom or employment of any kind.
- (3) A person shall have the written permission referred to in Byelaws 7(1) or 7(2) with him when undertaking the activities referred to in Byelaws 7(1) or 7(2) on the premises and shall hand it over for inspection when asked by an authorised person. A person shall comply with any conditions set out in or attached to the written permission.

## **8. Unauthorised gambling**

No person shall gamble on any part of the premises except lawful gambling on premises authorised by the Operator for that purpose.

## **CONTROL OF PREMISES**

### **9. Unauthorised access and loitering**

- (1) No person shall enter, attempt to enter or remain on any part of the premises where there is a notice:
- (i) prohibiting access; or
  - (ii) indicating that it is reserved or provided for a specified category of person only, except where he belongs to that specified category;
- unless invited or directed to do so by an authorised person.
- (2) No person shall loiter on the premises if asked to leave by an authorised person.
- (3) No person whilst on the premises shall wilfully obstruct or impede any authorised person in the execution of his duty.
- (4) No person above the age of ten years shall enter, attempt to enter or remain in any part of the premises which is marked or notified as being for the exclusive use of persons of the opposite gender to that person.

### **10. Equipment and obstructions**

- (1) No person shall interfere, move, obstruct, operate, stop, or work in any way with any equipment, appliance or vehicle on the premises except:
  - (i) in an emergency, by means of any equipment on or near which is a notice indicating that is intended to be used in an emergency; or
  - (ii) any equipment intended for the use of passengers in that way in normal operating circumstances.
- (2) No person shall place, throw, drop or trail anything on the premises which is capable of injuring, damaging or endangering any property or premises.
- (3) No person shall use any escalator except by standing or walking on it in the direction intended for travel. Persons shall stand on the right of escalators when not walking up, down or along them.
- (4) No person shall move, operate or stop any lift or escalator except:
  - (i) in an emergency by means of equipment on or near which is a notice indicating that it is intended to be used in an emergency; or
  - (ii) in case of a lift, by means of any of the controls intended for the use by that person.
- (5) Any person who attempts to breach Sub-byelaws 10(1) to 10(4) shall be liable to the same penalties in Byelaw 14 as if they had breached Sub-byelaws 10(1) to 10(4).

## **11. Vehicles**

- (1) No person, other than an authorised person, shall enter, attempt to enter or remain in any vehicle on the premises, unless he is lawfully entitled to enter or remain in such a vehicle.
- (2) No person shall drive or ride any vehicle, bicycle, or other conveyance into or on the premises, unless he has the permission of an authorised person.
- (3) No person in charge of any vehicle, bicycle or other conveyance shall leave or place any such vehicle, bicycle or conveyance in or on the premises:
  - (i) in such a manner as to cause an obstruction or hindrance to the Operator or to persons using the premises; or
  - (ii) otherwise than in accordance with any reasonable direction of an authorised person; or
  - (iii) where parking or waiting is prohibited.

- (4) Any vehicle, bicycle or other conveyance used, left or placed in breach of Byelaw 11(3) may be removed and/or stored by or under the direction of the Operator or authorised person.
- (5) The owner of any vehicle, bicycle or other conveyance shall be liable to the Operator or authorised person for the costs incurred in removing and storing it in addition to any penalty for the breach of Byelaw 11.

## **12. Control of animals**

- (1) The Operator or an authorised person may refuse carriage or entry to any animal which, in their reasonable opinion, may threaten, annoy, soil or damage any person or property on the premises. No person shall bring an animal on any part of the premises to which it has been refused access pursuant to this Byelaw 12(1).
- (2) No person in charge of an animal shall allow it to foul or damage any property, vehicle or other part of the premises.
- (3) No person in charge of an animal shall leave or place it unattended on any part of the premises, except:
  - (i) with the permission of the Operator or an authorised person; or
  - (ii) in a place provided for that purpose by the Operator and only for as long as is absolutely necessary and in accordance with any direction of the Operator or an authorised person.
- (4) If a person in charge of an animal breaches any of Byelaws 12(1) to 12(3), then that person:
  - (i) may be asked by an authorised person to remove that animal, and if he fails to do so immediately, then that animal may be removed by or under the direction of an authorised person;
  - (ii) shall be liable to the Operator for the cost incurred by or on behalf of the Operator in removing and keeping it; and
  - (iii) shall be liable to the Operator for the cost of putting any property soiled or damaged back into its proper condition.
- (5) Any person in charge of an animal shall carry it when on a moving escalator on the premises, unless that animal is a trained assistance dog or police dog.
- (6) Any liability to the Operator under Byelaw 12(5) is in addition to any penalty for the breach of Byelaw 12.

## **ENFORCEMENT**

### **13. Name and address**

- (1) Any person reasonably suspected by an authorised person of breaching or attempting to breach any of the Byelaws shall give his name and address when requested to do so by an authorised person.
- (2) The authorised person requesting details under Byelaw 13(1) shall state the nature of the suspected breach of the Byelaws in general terms at the time of the request.

#### **14. Offence and level of fines**

Any person who breaches any of the Byelaws commits an offence and may be liable for each such offence to a penalty not exceeding level 3 on the standard scale.

#### **15. Removal of persons**

- (1) Any person who is reasonably believed by an authorised person to be in breach of any of these Byelaws shall leave the premises immediately if asked to do so by an authorised person.
- (2) Any person who is reasonably believed by an authorised person to be in breach of any of these Byelaws and who fails to desist or leave when asked to do so by an authorised person may be removed from the premises by an authorised person using reasonable force. This right of removal is in addition to the imposition of any penalty for the breach of these Byelaws.
- (3) No person shall fail to carry out the instructions of an authorised person acting in accordance with powers given by these Byelaws or any other enactment.
- (4) In exercising powers conferred by Byelaws 15(1) and 15(2) the authorised person shall state the nature of the breach of any of these Byelaws in general terms prior to exercising the power conferred upon him.

#### **16. Identification of authorised persons**

An authorised person who is exercising any power conferred on him by any of these Byelaws shall produce a form of identification when requested to do so. Such identification shall include the name of his employer and a means of identifying the authorised person.

#### **17. Notices**

No person shall be subject to any penalty for breach of any of the Byelaws by disobeying a notice unless it is proved to the satisfaction of the Court before whom the complaint is laid that the notice referred to in the particular Byelaw was displayed.

## **18. Breaches by authorised person**

An authorised person acting in the course of his duties shall not be liable for breach of any of Byelaws 2, 4(2) and 4(4), 6(3) and 6(5), 7, 9, 10(1) and 10(4), 11, and 12 (6).

## **INTERPRETATION AND GENERAL PROVISIONS**

### **19. Definitions**

In the Byelaws the following expressions have the following meanings and any replacement, modification or amendment to any legislation shall be applied to these meanings:

“alcohol” has the meaning ascribed to it in section 191 of the Licensing Act 2003;

“authorised person” means:

- (a) a person acting in the course of his duties who:
  - (i) is an employee or agent of the Operator; or
  - (ii) is authorised by a person operating any part of the premises; or
- (b) any constable, Police Community Support Officer or any person accredited by or under section 41 of the Police Reform Act 2002 acting in the execution of his duty upon or in connection with the premises;

“assistance dog” has the meaning ascribed to it in section 37A of the Disability Discrimination Act 1995;

“being drunk” means being under the influence of alcohol;

“controlled drugs” has the meaning ascribed to it in section 2 of the Misuse of Drugs Act 1971;

“escalator” includes travelator or similar device;

“fuel” includes but is not limited to, petrol, diesel oil, hydrogen and paraffin;

“notice” means a notice given by or on behalf of the Operator;

“Operator” means:

- (a) Transport for London and any of its subsidiaries;
- (b) any person or body granted the authority by Transport for London or any of its subsidiaries to act as Operator in relation to any part of the premises; or
- (c) any servants, agents, officers, employees, contractors and subcontractors of Transport for London or any of its subsidiaries;

“premises” means road transport garages, depots, bus stations, shelters and other road transport premises now or hereafter belonging to, leased to or worked by the Operator and the approaches thereto;

"standard scale" has the same meaning as in section 37 of the Criminal Justice Act 1982;

“vehicle” means a vehicle of any description and includes a machine or implement of any kind capable of being drawn or propelled along roads;

## **20. Introduction, table of contents and headings**

The introduction, table of contents and headings used in the Byelaws are for assistance only and are not be considered as part of the Byelaws for the purpose of interpretation.

## **21. Plural**

Unless the context requires to the contrary, words importing the singular shall include the plural and vice versa.

## **22. Gender**

Unless the context requires to the contrary, words importing one gender shall include the other gender.

## **23. Coming into operation and revocation of previous Byelaws**

The Byelaws will come into operation in accordance with the provisions of section 67 of the Transport Act 1962 as applied by section 25 of the London Transport Act 1969.

When the Byelaws come into operation, the Road Transport Premises Byelaws 1971 made by the London Transport Executive and confirmed by the Secretary of State of the Department for the Environment on 3 May 1971 (“the previous Byelaws”) shall be revoked. This revocation is without prejudice to the validity of anything done under the previous Byelaws or to any liability incurred in respect of any act or omission before the date of the coming into operation of the Byelaws.

**Signed by authority of Transport for London**

**[signature]**

**Peter Hendy  
Commissioner  
[INSERT DATE] 2009**

**The Secretary of State for Transport confirms the above Byelaws pursuant to section 25 of the London Transport Act 1969 and fixes [INSERT DATE] as the date that the Byelaws shall come into operation.**

**Signed by authority of the Secretary of State for Transport on [INSERT DATE].**

**[signature]**

**Department for Transport**