



Edinburgh Tram (Line Two) Act 2006

2006 asp 6

PART 4

OPERATION OF AUTHORISED TRAMWAY

61 Power to make byelaws

- (1) The authorised undertaker may make byelaws regulating the use and operation of, and travel on, the authorised tramway, the maintenance of order on the authorised tramway and on tramway premises or other facilities provided in connection with the authorised tramway and the conduct of all persons, including employees of the authorised undertaker, while on the authorised tramway or on tramway premises.
- (2) Without prejudice to the generality of subsection (1), byelaws under this section may make provision—
 - (a) with respect to tickets issued for travel on the authorised tramway, 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 tramway or other facilities provided in connection with the authorised tramway;
 - (c) with respect to access to and the carriage, use or consumption of anything on tramway premises;
 - (d) with respect to the prevention of nuisances on tramway 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 tramway premises;
 - (f) for the safe custody and redelivery or disposal of any property accidentally left on tramway 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 tramway or on tramway premises; and
 - (h) for the regulation of interaction between the maintenance of buildings adjacent to the tramway and the safe operation of the tramway.
- (3) Byelaws under this section 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

Status: This is the original version (as it was originally enacted).

to be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

- (4) Without prejudice to the taking of proceedings for an offence included in byelaws by virtue of subsection (3), if the contravention of, or failure to comply with, any byelaw under this section is attended with danger to the public, or hindrance to the authorised undertaker in the operation of the authorised tramway, the authorised undertaker may summarily take action to obviate or remove the danger or hindrance.
- (5) Byelaws under this section shall not come into operation until they have been confirmed by Scottish Ministers.
- (6) At least 28 days before applying for any byelaws to be confirmed under this section, the authorised undertaker shall publish in such manner as may be approved by Scottish Ministers 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 Scottish Ministers within a period specified in the notice, being a period of not less than 28 days.
- (7) The period for making representations specified in the notice published under subsection (6) must expire before an application is made under this section for byelaws to be confirmed, and during that period a copy of the byelaws shall be kept at the principal office of the authorised undertaker and shall at all reasonable hours be open to public inspection without payment.
- (8) The authorised undertaker shall, at the request of any person, supply such a person with a copy of any such byelaws on payment of such reasonable sum as the authorised undertaker may determine.
- (9) Scottish Ministers may confirm with or without modification, or may refuse to confirm, any of the byelaws submitted under this section 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.
- (10) As soon as is practical following the confirmation of any byelaws submitted in accordance with subsection (9), the authorised undertaker shall publish, at least once in each of two successive weeks, in one or more newspapers circulating in the areas to which the byelaws relate, a notice stating the general effect of the byelaws and the date that the byelaws come into operation.
- (11) Scottish Ministers may charge the authorised undertaker such fees in respect of any byelaws submitted for confirmation under this section as they may consider appropriate for the purpose of defraying any administrative expenses incurred by them in connection with such confirmation.
- (12) A copy of the byelaws when confirmed shall be printed and deposited at the principal office of the authorised undertaker, and shall at all reasonable hours be open to public inspection without payment, and be available on the authorised undertaker's website; and the authorised undertaker shall, at the request of any person, supply that person with a copy of any such byelaws on payment of such reasonable sum as the authorised undertaker shall determine.

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- (13) The production of a printed copy of byelaws confirmed under this section on which is endorsed a certificate purporting to be signed by a person duly authorised by the authorised undertaker stating—
- (a) that the byelaws were made by the authorised undertaker;
 - (b) that the copy is a true copy of the byelaws;
 - (c) that on a specified date the byelaws were confirmed by Scottish Ministers; and
 - (d) the date when the byelaws came into operation,
- shall be evidence at first sight of the facts stated in the certificate.