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STATUTORY INSTRUMENTS

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**2021 No. 907**

**The London Luton Airport Passenger  
Transit System Order 2021**

**PART 2**

**OPERATION OF THE PASSENGER TRANSIT SYSTEM**

**Defence to proceedings in respect of statutory nuisance**

3.—(1) Where proceedings are brought under section 82(1) (summary proceedings by persons aggrieved by statutory nuisances) of the Environmental Protection Act 1990<sup>(1)</sup> in relation to a nuisance falling within paragraph (g) of section 79(1) (noise emitted from premises so as to be prejudicial to health or a nuisance) of that Act, no order may be made, and no fine may be imposed, under section 82(2)(2) of that Act if the defendant shows that the nuisance is a consequence of the operation or maintenance of the passenger transit system and that it cannot reasonably be avoided.

(2) Nothing in this article is to be construed as excluding a defence of statutory authority otherwise available under or by virtue of any enactment.

**Power to charge fares**

4.—(1) LLAL may demand, take and recover or waive such charges for carrying passengers on the passenger transit system, or for any other facilities or services provided in connection with the operation of the passenger transit system, as it thinks fit.

(2) LLAL may enter into and carry into effect agreements with other persons providing public passenger transport services, including any franchise operator designated under section 23(1) (passenger services to be subject to franchise agreements) of the Railways Act 1993<sup>(3)</sup>, 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 passenger transit system.

(3) In this article “public transport passenger transport services” has the meaning given by section 63(10)(a) of the Transport Act 1985<sup>(4)</sup>.

**Byelaws relating to the passenger transit system**

5.—(1) LLAL may make byelaws regulating—

- (a) the use and operation of, and travel on, the passenger transit system;

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(1) 1990 c. 43. Section 82(1) was amended by paragraph 6 of Schedule 17 to the Environment Act 1995 (c. 25).

(2) Section 82(2) was amended by section 5(2) of the Noise and Statutory Nuisance Act 1993 (c. 40) and paragraph 6 of Schedule 17 to the Environment Act 1995.

(3) 1993 c. 43. Section 23(1) was amended by section 212(1) of the Transport Act 2000 (c. 38) and paragraph 13(1) of Schedule 1 to the Railways Act 2005 (c. 14).

(4) 1985 c. 67.

- (b) the maintenance of order on the passenger transit system and all passenger transit system premises including stations and approaches to stations; and
- (c) the conduct of all persons while on the passenger transit system or passenger transit system premises including stations and approaches to stations.

(2) In particular, byelaws under this article may make provision with respect to tickets issued for entry to and travel on the passenger transit system, the payment of fares and charges and the evasion of payment of fares and charges.

(3) Byelaws under this article may provide for it to be an offence for a person to contravene, or 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 under this article is attended with—

- (a) danger or annoyance to the public; or
- (b) hindrance to LLAL in the operation of the passenger transit system,

LLAL may summarily take action to obviate or remove the danger, annoyance or hindrance.

(5) Byelaws 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, LLAL 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 28 days before an application is made under this article for byelaws to be confirmed, a copy of the byelaws must be kept at the principal office of LLAL and must at all reasonable hours be open to public inspection without payment.

(8) LLAL must, at the request of any person, supply that person with a copy of any such byelaws on payment of such reasonable sum as LLAL 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 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 LLAL such fees in respect of any byelaws submitted for confirmation under this article as the Secretary of State may consider appropriate for the purpose of defraying any administrative expenses incurred by the Secretary of State in connection with the confirmation of those byelaws.

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

(12) 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 LLAL stating—

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

(13) The byelaws set out in the Schedule have effect and are to be treated as, and apply to the passenger transit system until such time as they are amended or revoked by, byelaws made under this article and subsequently confirmed by the Secretary of State.

#### **Disapplication of London Luton Airport Byelaws**

6. The London Luton Airport Byelaws do not apply to the passenger transit system.