

SCHEDULES

SCHEDULE 8

Article 44

BYELAWS

PART 1

PRELIMINARY

1. These byelaws may be cited as the A303 (Amesbury to Berwick Down) Byelaws 2023 and are deemed to have been made by the undertaker under article 44(1) (byelaws relating to the tunnel area) of the A303 (Amesbury to Berwick Down) Development Consent Order 2023 and confirmed by the Secretary of State as provided for by article 44(2) of that Order.

Interpretation

2.—(1) In these byelaws unless the context otherwise requires—

“authorised person” means—

(a) a person acting in the course of that person’s duties who—

- (i) is an employee, agent, contractor or sub-contractor of the undertaker; or
- (ii) is authorised by the undertaker to exercise one or more of its functions under this Order; or

(b) a constable, Police Community Support Officer, an officer of the Driver and Vehicle Standards Agency, an officer of the Health and Safety Executive, a person authorised for the purposes of section 44 (powers of fire-fighters etc in an emergency etc) of the Fire and Rescue Services Act 2004(1), a person accredited by or under section 41 (accreditation under community safety accreditation schemes) of the Police Reform Act 2002(2), or a traffic officer, acting in the execution of that person’s duties within the tunnel;

“byelaws” means these byelaws;

“dangerous goods” means a substance or article of which the international carriage by road is prohibited, or authorised on certain conditions, by Annex A of the European Agreement Concerning the International Carriage of Dangerous Goods by Road as from time to time amended;

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads;

“notice” includes a sign, signal and a digital or other display, and in appropriate circumstances, an audible announcement;

“traffic officer” means an individual designated under section 2 (designation of traffic officers) of the Traffic Management Act 2004(3);

(1) 2004 c. 21. Section 44 was amended by section 6 of the Emergency Workers (Obstruction) Act 2006 (c. 39).

(2) 2002 c. 30. Section 41 was amended by section 52 of, and paragraph 42 of Schedule 14 to, the Police and Justice Act 2006 (c. 48).

(3) 2004 c. 18.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“trailer” means a vehicle (including a horse box) designed or adapted to be towed by a motor vehicle;

“tunnel” means the road tunnel to be constructed as part of Work No. 1 and as shown by a solid blue line on the tunnel area plan;

“tunnel approaches” means the western and eastern approaches to the tunnel, the linear extents of which are shown by dashed blue lines on the tunnel area plan;

“tunnel area” means the extent of the public highway to be comprised in and along the tunnel and the tunnel approaches;

“tunnel area plan” means the plans of that description certified by the Secretary of State under article 55 (certification of plans, etc) of the A303 (Amesbury to Berwick Down) Development Consent Order 2023;

“tunnel equipment” includes plant and machinery, and any emergency, safety or communications equipment;

“tunnel infrastructure” means the structure (including the carriageway) of the tunnel area;

“vaporiser” means an electronic device that can be used to deliver nicotine or other substances to a person inhaling from the device;

“undertaker” means Highways England Company Limited (Company No. 09346363) of Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ; and

“Work No. 1” means the work of that description in Schedule 1 (authorised development) to the A303 (Amesbury to Berwick Down) Development Consent Order 2023.

(2) The Interpretation Act 1978⁽⁴⁾ applies to the interpretation of these byelaws as it applies to the interpretation of an Act of Parliament.

PART 2

CONDUCT AND BEHAVIOUR

Smoking etc.

3. A person in the tunnel area must not—
 - (a) smoke or carry an item that is alight including a lit cigar, cigarette, cigarillo, match, pipe or lighter; or
 - (b) use a vaporiser.

Unacceptable behaviour

4. A person must not—
 - (a) climb upon, remove or damage (whether deliberately or negligently) any tunnel infrastructure or tunnel equipment;
 - (b) remove, move or otherwise interfere with the tunnel or any machinery, apparatus, tools or other things in use or intended for use in connection with the tunnel or the tunnel approaches;
 - (c) post a bill, placard or notice on any tunnel infrastructure or tunnel equipment;
 - (d) write, print, draw or paint on or cut, mark or stamp any tunnel infrastructure or tunnel equipment;

(4) 1978 c. 30.

- (e) fix anything to any tunnel equipment or tunnel infrastructure;
- (f) spit, urinate or defecate in the tunnel area;
- (g) leave litter or waste in the tunnel area;
- (h) move, alter, deface or otherwise interfere with any notice belonging to the undertaker which is exhibited or placed in the tunnel area; or
- (i) without prejudice to any other requirement of these byelaws, act in any way as to cause a nuisance in the tunnel area.

PART 3

EQUIPMENT AND SAFETY

General safety

- 5.—(1) A person must not operate, obstruct, interfere with or stop any tunnel equipment except—
- (a) by means of any of the controls intended for use by that person; or
 - (b) in an emergency and by means of equipment on or near which is a notice indicating that it is to be used in an emergency.
- (2) A person must not place, throw, drop or trail anything which is capable of injuring or endangering any person or damaging any property in the tunnel area.
- (3) A person must not obstruct or in any way interfere with the tunnel area.
- (4) A person must not, without reasonable cause, activate, use or interfere with any emergency, safety or communications equipment within the tunnel area.

PART 4

ACCESS AND TRAFFIC

Unauthorised access and loitering

- 6.—(1) A person must not enter, attempt to enter or remain in any part of the tunnel area where there is a notice prohibiting or restricting access.
- (2) A person must not loiter in the tunnel area if asked to leave by an authorised person.
 - (3) A driver of a motor vehicle must not sleep within the tunnel area.

Traffic regulation

- 7.—(1) A person must not enter the tunnel area on foot.
- (2) A person (other than an authorised person) must not use or cause to be used within the tunnel area a pedal cycle (whether electric or not), tricycle, barrow, cart, buggy, pedicab, rickshaw, vehicle used as a personal transporter, or human or animal drawn means of conveyance except if it is conveyed as the load or part of the load of a motor vehicle.
- (3) A person must not take into the tunnel area an animal unless the animal is enclosed in a motor vehicle or trailer.
- (4) A person must not release an animal from a motor vehicle in the tunnel area.

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(5) A person must not enter the tunnel area in a vehicle which has insufficient fuel or power for the journey to be completed in the tunnel area without the need for additional fuel or power.

(6) A person must not abandon a motor vehicle in the tunnel area except in an emergency as directed by an authorised person.

(7) A person must not operate a motor vehicle music or sound system at such volume as to cause nuisance to users of the tunnel area.

(8) A person must not unnecessarily, inappropriately or excessively use a car horn, klaxon or lights (including car lamps) in the tunnel area.

(9) A person must not take or cause to be taken into the tunnel area a motor vehicle which by reason of its condition is likely to break down or is in such condition as is likely to injure persons or damage property.

(10) A person must not use or cause to be used a motor vehicle in the tunnel area unless the load carried by the motor vehicle is at all times contained or secured (if necessary by physical restraint other than its own weight) and is in such a position that neither danger nor nuisance is caused or is likely to be caused to a person or property by reason of the load or any part of the load falling or being thrown from the motor vehicle.

(11) No driver of or passenger in a motor vehicle which has broken down may carry out repairs to or refuel a motor vehicle in the tunnel area without the permission of an authorised person.

(12) A driver of a motor vehicle which has broken down in the tunnel area must—

- (a) immediately notify an authorised person of the breakdown; and
- (b) switch on the motor vehicle's hazard lights.

(13) A driver of a motor vehicle which has shed its load in full or in part in the tunnel area such that it has caused, or may cause, an obstruction or other hazard to users of the tunnel area must—

- (a) not attempt to reclaim the load;
- (b) immediately inform an authorised person of the loss of the load and of its approximate location; and
- (c) immediately inform an authorised person of the identity of, and contact details for, the owner of the load.

(14) A driver of a motor vehicle must not (unless directed by an authorised person) drive in the tunnel area at a speed of less than ten miles per hour except where the driver is prevented from driving at or above ten miles per hour on account of the traffic flow.

(15) A driver of a motor vehicle must comply with any direction given by an authorised person or traffic notice, sign or signal at any time in terms of the traffic lanes to be used by motor vehicles or not to be used by motor vehicles.

Dangerous goods

8.—(1) A person must not, except with the consent of the undertaker, take or cause or permit to be taken into the tunnel area a motor vehicle carrying dangerous goods and must at all times when in the tunnel area comply with the conditions imposed by paragraph (2) below.

(2) The consent of the undertaker, if granted, is subject to the condition that no person may drive into the tunnel area any motor vehicle to which paragraph (1) applies except with such escort as may be directed or required by an authorised person and the driver of every such motor vehicle must take and comply with such directions or precautionary measures as an authorised person considers expedient in the circumstances.

(3) The consent of the undertaker under this byelaw may be granted generally or specifically, including in respect of any category or description of dangerous goods.

(4) The undertaker must provide and maintain on its website a mechanism for potential tunnel users to obtain the consent required under paragraph (1) above or granted under paragraph (3).

(5) A driver of a motor vehicle in the tunnel area must not prevent an authorised person from inspecting the motor vehicle for the purpose of ascertaining compliance with the requirements which apply at any time in respect of the carriage of dangerous goods.

PART 5 ENFORCEMENT, ETC.

Name and address

9.—(1) A person reasonably suspected by an authorised person of breaching or attempting to breach a byelaw must immediately give that person's name and address when requested to do so by an authorised person.

(2) The authorised person requesting details under paragraph (1) must state the nature of the suspected breach of the byelaw in general terms at the time of the request.

Compliance with instructions and notices, etc.

10.—(1) A person in the tunnel area must carry out the reasonable instructions of an authorised person or the requirements of a notice displayed by the undertaker.

(2) A person must not obstruct an authorised person acting in the course of the person's duties.

(3) A person acting in compliance with the instructions of an authorised person does not commit a breach of the byelaw which otherwise prohibits the act.

(4) A person is not subject to a penalty for breach of a byelaw by disobeying a notice unless it is proved to the satisfaction of the Court before which the complaint is laid that the notice referred to in the particular byelaw was displayed.

Identification of authorised persons

11.—(1) An authorised person who is exercising any power conferred on an authorised person by any of the byelaws must produce a form of identification when requested to do so.

(2) The form of identification mentioned in paragraph (1) must include the name of the authorised person's employer and a means of identifying the authorised person.

Breaches by authorised persons

12. An authorised person acting in the course of the authorised person's duties is not liable for a breach of a byelaw.

Attempted breach

13. A person who attempts to breach a byelaw is liable to the same penalty as a person who breaches a byelaw.