

## **EDINBURGH TRAM BYELAWS**

These are the byelaws made by the City of Edinburgh Council on 22 November 2012 as modified and confirmed by the Scottish Ministers on 2 October 2013.

These byelaws will come into force on 1 November 2013

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## EDINBURGH TRAM BYELAWS

These Edinburgh Tram Byelaws ("**the Byelaws**") are made by The City of Edinburgh Council on 22 November 2012 under Section 61 of the Edinburgh Tram (Line One) Act 2006 and Section 61 of the Edinburgh Tram (Line Two) Act 2006, as modified and confirmed by the Scottish Ministers on xxx September 2013. These byelaws will come into force on 1 November 2013.

## DEFINITIONS AND INTERPRETATION

### 1. Definitions

In the Byelaws the following expressions shall have the following meanings:

"**the Acts**" means the Edinburgh Tram (Line One) Act 2006 and the Edinburgh Tram (Line Two) Act 2006;

"**Authorised Person**" means:-

- (i) any person acting in the course of his duties who is an employee or agent of the Operator including, but not limited to, a tram driver or a Tram Inspector; or
- (ii) any member of the emergency services acting in the execution of his duties; or
- (iii) in relation to any purpose, any person authorised for that purpose by the Authorised Undertaker;

"**Authorised Undertaker**" means The City of Edinburgh Council or any person to whom the powers of the authorised undertaker under the Acts are transferred;

"**Compulsory Ticket Area**" means any tram or any area on the Edinburgh Tram Network within which it is compulsory to be in possession of a valid authority to travel; any such tram or area being clearly indicated as such by a notice displayed at and/or on approach to the tram or designated area;

"**Conditions of Carriage**" means the conditions of contract in relation to the carriage of persons upon the Edinburgh Tram Network as issued and amended from time to time by the Operator;

"**Edinburgh Tram Depot**" means the ETN depot situated at 172 Glasgow Road, Edinburgh or such other premises or additional premises as may be used by the Operator in connection with the operation of the ETN from time to time;

"**Edinburgh Tram Infrastructure**" means all apparatus and equipment provided for, or in connection with, the operation of the ETN including without limitation signs, signals, structures, overhead line equipment and supports and the rails and tram track, as such apparatus and equipment is constructed, extended or altered from time to time;

"**Edinburgh Tram Network (ETN)**" means Edinburgh Tram Property and Edinburgh Tram Infrastructure;

"**Edinburgh Tram Property**" means any tram, tramstop, the Edinburgh Tram Depot, buildings and sub-stations provided for, or in connection with, the operation of the ETN, Edinburgh Tram ticket booth and staff facilities located at Edinburgh Airport, and any associated car parks (including any park and ride sites) operated by the Operator;

"**ETN Hazard Zone**" means any area of land or airspace at any level which is either directly below or directly above land which is within two metres measured horizontally of any tram rail.

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

“**NRSWA Undertaker**” means an undertaker as defined in section 107 of the New Roads and Street Works Act 1991;

“**Operator**” means any person appointed by the Authorised Undertaker to operate the ETN;

“**standard scale**” has the meaning given by Section 225 of the Criminal Procedure (Scotland) Act 1995 or any replacement, modification or amendment thereto;

“**ticket**” includes:-

- (i) a ticket (including one issued by another transport operator or authorised agent) authorising the person for whom it is issued to make the journey covered by the fare paid on a tram service (whether or not it also authorises that person to make a journey on a transport service provided by another operator);
- (ii) any permit authorising the person for whom it is issued to travel on a tram service (whether or not it also authorises that person to make a journey on a transport service provided by another operator);
- (iii) an authority to travel on a tram service subject to a condition that payment of the correct fare for the person using that service is made during or at the end of that journey or otherwise as provided by the terms applicable to its use;
- (iv) any type of pass, including a free pass, privilege ticket, or any warrant, voucher or other similar authority accepted by the Operator as authority to travel on a tram service, or in exchange for or on production of which a ticket may be issued; and
- (v) any identity card required by the Operator to be held or produced for use with other ticket or travel documents;

“**tram**” means any light rail vehicle, locomotive or other vehicle adapted to travel upon the ETN (whether in operational use or not);

“**Tram Inspector**” means a person appointed to inspect tickets and collect standard fares, whether such appointed person is on a tram or not;

“**tram service**” means a tram service provided for the carriage of persons on the ETN and includes a service for the carriage of passengers by road where a service by tram has been temporarily interrupted or suspended;

“**tramstop**” means any platform or other area from time to time designated by the Operator for the collection, or setting down, of passengers by trams;

“**valid ticket**” means a current ticket (including any associated identity card and/or other travel document) lawfully obtained by or on behalf of the person using or attempting to use it and entitling that person to use the particular tram service he is using or attempting to use and where the terms attaching to the ticket require validation of the ticket such ticket shall not be considered to be a valid ticket for the purpose of these Byelaws unless and until the ticket has been properly validated.

In addition:-

- (a) References in the Byelaws to any "person" shall be taken to include reference to individuals, firms, companies and other bodies as the context requires;
- (b) References to the singular number shall include plural and vice versa and reference to any gender shall include the other gender; and

- (c) The table of contents and headings used in the Byelaws are for ease of reference only and shall not affect the interpretation of the Byelaws.

## **2. Tramstops**

- (1) Except in the ordinary course of entering and exiting a lift and means of any of the controls intended for the use of passengers no person except an Authorised Person shall open or attempt to open any gate or door of any lift-shaft or any lift.
- (2) No person shall unfasten or tamper with or wilfully impede or interfere with the operation of any fastening or fitting on any such gate or door.
- (3) No person except an Authorised Person shall move, operate or stop any lift except:-
- (a) by means of any of the controls intended for the use of passengers; or
  - (b) in an emergency by means of equipment on or near which is a notice indicating that the equipment is intended to be used in an emergency.
- (4) No person shall enter or leave or attempt to enter or leave any lift whilst it is in motion or otherwise than by the means intended for passengers to enter or leave the same.
- (5) When a lift contains the maximum number of passengers as indicated on a notice displayed on or near the lift, no additional person shall enter or attempt to enter or remain in the lift.
- (6) Except with the permission of an Authorised Person, no person shall enter or remain on any part of any tramstop for the purposes of skateboarding, roller skating, roller blading, cycling motorcycling or other similar recreational activity.
- (7) No person shall open or push through or climb over a barrier or any other gate on Edinburgh Tram Property, whether of permanent or temporary construction, except with the permission of an Authorised Person, save where there is a notice granting permission to *do so*.

## **3. General Safety**

- (1) No person, except an Authorised Person, shall operate, move, work or tamper with any mechanical or electrical appliance on the ETN or any switch or lever or other device operating or controlling any mechanical or electrical appliance on the ETN except:-
- (a) in cases of emergency, any switch, lever or device or mechanical or electrical appliance upon or near which is displayed a notice that it is intended to be operated in cases of emergency and then in accordance with any instructions given in that notice; or
  - (b) in the case of an automatic door (when such door is immediately adjacent to and gives immediate access to, and such tram is stationary at, a platform or place appointed for passengers to enter or leave the tram) any switch, lever or other device or mechanical or electrical appliance upon or near which is displayed a notice that it is intended to be operated by passengers to open or close such door.
- (2) No person shall place, throw, drop or trail anything capable of injuring, endangering or damaging any person or any part of the ETN or which might otherwise endanger or compromise the safe and efficient operation of the ETN.

## **4. Compulsory Ticket Areas**

- (1) No person shall enter a Compulsory Ticket Area unless he has with him a valid ticket for his entire journey on the ETN.

- (2) No person shall be in contravention of this Byelaw if:
- (a) at the time when and at the tramstop where he started his journey there were no facilities for the issue of the necessary ticket for his journey; or
  - (b) there was a notice displayed at that tramstop indicating that it was permissible for passengers beginning a journey at that tramstop to enter a Compulsory Ticket Area without a ticket; or
  - (c) an Authorised Person gave him permission to travel or enter a Compulsory Ticket Area without a valid ticket.

## **5. Tickets**

- (1) Any passenger on a tram shall, on request of a Tram Inspector or other Authorised Person, produce a ticket for inspection and, where so required by any Authorised Person, inform him of the place where the person boarded and the journey made or intended to be made.
- (2) Any passenger not already in possession of a valid ticket, must pay the appropriate standard fare for the journey as soon as requested to do so by a Tram Inspector or other Authorised Person, ensure he is issued with a valid ticket, and retain such ticket until such time as he has departed from the tramstop at the end of his journey.
- (3) Except with the permission of an Authorised Person, no person shall enter or remain in any Compulsory Ticket Area unless that person:-
  - (a) has a valid ticket enabling him to do so; or
  - (b) at the earliest opportunity purchases a valid ticket.
- (4) Any passenger on a tram shall as soon as he has completed the journey for which he has a ticket, either:-
  - (a) leave the tram; or
  - (b) pay the fare for any further journey which he intends to take on that tram.

## **6. Altering Tickets**

No person shall alter, deface, mutilate or destroy any ticket or use or attempt to use any ticket which shall in any material respect have been altered, defaced or mutilated or which has been made or reproduced fraudulently. An Authorised Person may refuse entry to a tram or a Compulsory Ticket Area or require the purchase of a further ticket if the ticket presented has been materially altered, defaced or mutilated or has been made or reproduced fraudulently.

## **7. Unauthorised Buying and Selling of Tickets**

- (1) Subject to Byelaw 7(2) no person shall:-
  - (a) sell or buy any ticket; or
  - (b) transfer or receive any used or partly used ticket intending that any person shall use it for travelling; or
  - (c) knowingly use or attempt to use any ticket which has been obtained in contravention of this Byelaw.

- (2) The sale or transfer by, or the purchase or receipt from, an Authorised Person in the course of his duties or from an authorised ticket machine or other authorised outlet is excepted from the provisions of Byelaw 7(1).

#### **8. Fares Offences Committed on behalf of Another Person**

- (1) No person shall buy a ticket on behalf of another person intending to enable that other person to travel without the correct fare having been paid.
- (2) No person shall transfer, procure or receive a ticket on behalf of another person intending to enable that other person to travel without the correct fare having been paid.

#### **9. Concessions**

- (1) In connection with any scheme for the provision of concessionary travel on any tram service, no person shall:-
- (a) make use of any concession provided for by such scheme except to the extent and for such time as he may be entitled so to do, subject to the conditions of the scheme; or
- (b) (being a person not entitled to make use of such concession) obtain and use such concession.
- (2) Where fares for journeys on any tram service vary according to the time at which the ticket therefor is purchased, no person shall make use of any ticket purchased at a reduced fare outside any time constraints applicable thereto except to such extent as may be authorised by the Conditions of Carriage.

#### **10. Approval of Works which may Interfere or Obstruct the ETN**

- (1) Any of the following works or activities proposed by any person other than the Authorised Undertaker and which fall within any of the descriptions (a) to (g) below shall require the prior written approval of the Authorised Undertaker:-
- (a) Any works where any part of the site of the works, any tools or materials, any machine or suspended load, any vehicle, or any person, shall at any time come within the ETN Hazard Zone or interfere with spanning wires;
- (b) Any activity involving the use of a ladder or window cleaning pole or similar equipment, where any part of such ladder, window cleaning pole or equipment shall at any time come within the ETN Hazard Zone or interfere with spanning wires;
- (c) Any piling or excavation works within three metres of any Edinburgh Tram Infrastructure or elsewhere if there is a risk of rendering Edinburgh Tram Infrastructure unstable;
- (d) Any erecting or dismantling of scaffolding or use of a crane within five metres of a tram rail or interfere with spanning wires;
- (e) Any works where at any time any structure or equipment shall be placed above or shall cross over an overhead tram line; or
- (f) Any works, whether or not the site of the works is within the ETN Hazard Zone, where vehicles fitted with cranes, tipping bodies or skip loaders, or any part of such vehicles or equipment, shall come within the ETN Hazard Zone when the equipment is in use or interfere with spanning wires

- (g) Any excavation within 3 metres of any tramway structure including poles supporting overhead wires.
- (2) The Authorised Undertaker may require the person proposing to undertake works or activities specified in Byelaw 10(1) to complete such application form as is specified by the Authorised Undertaker and to provide such assessments or other information as is required by the Authorised Undertaker to determine the application. Any person proposing to undertake works for which an application is required shall make the application in accordance with such time limits and other requirements as shall be published on the website of the Authorised Undertaker from time to time.
  - (3) The Authorised Undertaker may charge a fee to meet the following costs:
    - (a) the cost of processing an application required under Byelaw 10(2) above; and
    - (b) the cost of any isolation of an overhead tram line from its power source that is necessitated by the proposed works or activity; and
    - (c) the cost of any site supervision considered necessary by the Authorised Undertaker to ensure the safe operation of the ETN during the proposed works or activity

and the person proposing to undertake the works shall pay such fee at the time of making the application to the Authorised Undertaker.
  - (4) Where prior written approval is required in accordance with this Byelaw no such works or activity shall take place unless such written approval has been issued by the Authorised Undertaker and the works or activity shall be carried out in compliance with any conditions attached to such written approval.
  - (5) The provisions of Byelaw 10(1)-(4) shall not apply to works or activities proposed to be undertaken by a NRSWA Undertaker where such works or activities are regulated under the New Roads and Street Works Act 1991.

## **11. Safety Instructions**

- (1) An Authorised Person may, in an emergency or other circumstances in which he believes he should act in the interests of safety, issue instructions to any person on any part of the ETN and no person, without good cause, shall disobey such instruction.
- (2) No offence is committed under this Byelaw 11 where a person proves he was acting in accordance with any notice or instruction issued by the Operator or an Authorised Person.

## **12. Offences and Level of Fines**

It shall be an offence to contravene any of these byelaws and any person who contravenes any of these Byelaws shall be liable upon summary conviction to a penalty not exceeding level 3 on the standard scale.

## **13. Exclusion**

- (1) Any person convicted of any contravention of the Byelaws may be prohibited from entering or remaining upon any part of the ETN for a period of up to one year from the date of conviction, provided that any such person is served an exclusion notice by the Operator, detailing the terms, conditions and duration of the exclusion.
- (2) Any exclusion notice served in accordance with Byelaw 12(1) shall not apply to any part of the ETN situated within a street over which the public have a right of passage.



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A Member of the staff of the Scottish Ministers

Victoria Quay

Edinburgh

2 October 2013

Copies may be obtained from The City of Edinburgh Council