

GLASGOW SUBWAY BYELAWS

Consultation Pack - May 2012

Introduction

Strathclyde Partnership for Transport (SPT) is proposing to make new byelaws for the Glasgow subway.

Process

For technical legal reasons, the new byelaws and the cancellation of the existing byelaws involve two separate processes. Both involve consultation.

- For the new byelaws the consultation period must be before the new byelaws are made by SPT. After consultation, once SPT has made the new byelaws, SPT will apply to Transport Scotland to bring the new byelaws into operation.
- For the revocation of the existing byelaws, the consultation period must be after the revocation byelaws have been made by SPT, but before SPT applies to the Department for Transport to bring the revocation byelaws into operation.

After the consultation processes for the new byelaws and the revocation byelaws, the intention is for both sets of byelaws to be brought into operation on the same date.

Copies of the byelaws

- In annex 1 you will find the new byelaws which SPT is proposing to make.
- In annex 2 you will find the revocation byelaws which SPT made on 8 May 2012. SPT is proposing to apply to the Department of Transport for confirmation of the revocation byelaws so as to bring them into operation.

Consultation requests

Any person affected by either set of byelaws may make representations about them to Transport Scotland, in relation to the new byelaws, and to the Department for Transport in relation to the proposed revocation of the existing byelaws.

Deadline

The period for making representations will end on 15 June 2012.

Where to send representations

Any representations may be sent in writing, before the deadline of 15 June 2012, to Transport Scotland at joanne.gray@transportscotland.gsi.gov.uk or

FAO: Joanne Gray
Glasgow Subway Byelaws Consultation
Transport Policy Directorate
Area 2 D North
Victoria Quay
EDINBURGH
EH6 6QQ

Transport Scotland will co-ordinate responses to the consultation on both sets of byelaws and will forward copies of responses on the proposal to revoke the existing byelaws to the Department for Transport as appropriate. If you prefer you may also contact the Department for Transport direct on this proposal.

SPT

14 May 2012

ANNEX 1 – PROPOSED NEW BYELAWS

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Introduction to the byelaws

The byelaws help SPT to make sure that travelling on the subway is easy, safe, secure and comfortable. The byelaws deal with:

- tickets and fares;
- unacceptable conduct;
- safety and security issues; and
- the control of access to and movement in the subway.

A copy of the byelaws is available on SPT's website. Printed copies are available on request from SPT.

About the byelaws

The byelaws are made by SPT. They are more than just guidance or rules, and a breach of the byelaws can result in prosecution, court proceedings and a fine. More information about enforcing the byelaws is provided in byelaw 18.

SPT is authorised to make the byelaws by statute. More information about this is provided in byelaw 22.

Some of the words and phrases used in the byelaws such as "subway" and "officer" have special meanings. The definitions are listed in byelaw 21.

Passengers should note that although these byelaws use the term "passenger", some of these byelaws apply to people generally, and are not dependent on their presence in the subway or any intention to travel.

The Byelaws

1 Tampering with tickets

- 1.1 Passengers must not alter or tamper with any ticket such that SPT could be defrauded or prejudiced by its use or attempted use.

2 Transferring tickets

- 2.1 Passengers must not sell or transfer (or buy or accept) any ticket which has been used or partly used, or offer to do so.

3 Use of improper tickets

- 3.1 Passengers must not use or attempt to use any ticket:
- 3.1.1 if they know it has been altered or tampered with in breach of byelaw 1.1; or

3.1.2 if they have bought or accepted it from another person in breach of byelaw 2.1.

4 Using tickets

- 4.1 A passenger must have a valid ticket to make a journey on a train, and to pass through automatic or staffed barriers in stations which control passenger access to the station platforms and trains.
- 4.2 If asked by an officer in a station or on a train, passengers must hand over their tickets for inspection.
- 4.3 Passengers must keep their tickets until they have exited the station at their destination.

5 Waiting and queuing

- 5.1 An officer may require passengers to queue, in order to regulate order or safety in the subway. Passengers must also obey any notices put up by SPT relating to queuing.
- 5.2 Passengers joining a queue may only join the back of the queue.
- 5.3 Passengers must obey the reasonable instructions of officers given in relation to the regulation of a queue.
- 5.4 Passengers waiting for trains, tickets or other services must behave in an orderly and reasonable manner. This applies whether or not a passenger is waiting in a queue.

6 Moving around the subway

- 6.1 If the entrance to or exit from a station is controlled by an automatic or staffed barrier, passengers must not enter or leave the station other than by passing through one of the barriers in the indicated manner.
- 6.2 Passengers must obey the reasonable instructions of officers given in relation to safe movement in the subway.
- 6.3 Passengers must obey reasonable instructions included on signs and notices put up by SPT in relation to safe movement in the subway. In particular, where there is a notice put up by SPT by an entrance or exit on any part of the subway indicating that it shall be used for entrance or exit only, passengers must not enter by the exit or leave by the entrance.
- 6.4 Passengers must not use any escalator or moving walkway except by standing on it or walking on it in the direction intended for travel.
- 6.5 Passengers must not loiter in the subway if they are asked to leave or to move on by an officer.
- 6.6 Passengers must not enter or leave by an emergency exit, except in a situation of genuine emergency or when directed to do so by an officer.

7 Areas of the subway which are restricted

- 7.1 Passengers must not enter or remain on the train track.
- 7.2 Passengers must not enter or remain on any part of the subway where there is a notice put up by SPT which prohibits access.
- 7.3 Passengers must not enter or remain on any part of the subway where there is a notice put up by SPT which limits access to a category of person to which they do not belong.

8 Using the trains

- 8.1 Passengers must not enter through any train doorway until the last person wanting to leave the train by passing through it has done so.
- 8.2 Passengers waiting on the platform to get on a train must leave a clear path for people wanting to leave the train.
- 8.3 If an officer indicates that a train is full, passengers must not attempt to get on. If an officer indicates that part of a train is full, passengers must not attempt to get on that part.
- 8.4 Passengers must not deliberately obstruct the closing of automatic train doors.
- 8.5 Passengers must not pass through any train doorway with automatic doors if the doors have started to close, or a warning sound has indicated that the doors are about to close.
- 8.6 Passengers must not drop, throw or trail anything from a doorway or window on a train.

9 Alcohol

- 9.1 Passengers must not consume alcohol, or be in possession of an open container containing alcohol, on any part of the subway. The only exception to this byelaw 9.1 is if the passenger is on a part of the subway in respect of which there is in operation an occasional licence or permission in terms of the Licensing (Scotland) Act 2005 during any period when alcohol may be sold there by virtue of that licence or permission (or during the period permitted by licensing law after the expiry of that period).
- 9.2 This byelaw 9.2 applies for the purposes of any trial for an offence against byelaw 9.1.
 - 9.2.1 Any liquid found in a container shall be presumed to conform to the description of the liquid on the container.
 - 9.2.2 A container which is found to contain no liquid or insufficient liquid to permit analysis shall be presumed to have contained at the time of the alleged offence liquid which conformed to the description of the liquid on the container.

- 9.2.3 A passenger shall not be entitled to lead evidence for the purposes of rebutting a presumption mentioned in byelaws 9.2.1 or 9.2.2 unless, not less than 7 days before the date of the trial, the passenger has given notice to the prosecutor of the intention to do so.

10 Intoxication

- 10.1 Passengers must not enter or remain on any part of the subway if they are drunk or are unfit to be on the subway because they are under the influence of alcohol or any other intoxicating substance.

11 Unacceptable conduct

- 11.1 Whilst in the subway, passengers must not:

- 11.1.1 use threatening, abusive or offensive language;
- 11.1.2 drop litter or leave waste;
- 11.1.3 throw or drop any item onto the train track;
- 11.1.4 be disorderly;
- 11.1.5 deface any part of the subway with graffiti or by writing, drawing, painting or spraying;
- 11.1.6 damage, detach or soil any part of the subway, or affix anything to any part of the subway;
- 11.1.7 spit.

- 11.2 Whilst in the subway, passengers must not sing, play musical instruments or use any device for the reproduction of sound or music in a way which may annoy a reasonable person. The only exception to this byelaw 11.2 is if a passenger has the written permission of SPT in relation to the activity. The passenger must be carrying the permission, show it to an officer on request, and comply with any conditions of that permission.

- 11.3 Whilst in stations and on trains, passengers must only move around on foot. The only exception to this byelaw 11.3 is if a passenger is properly using a pram, wheelchair or other mobility device, but only if:

- 11.3.1 the pram, wheelchair or other mobility device is of a size and nature suitable for use in that location; and
- 11.3.2 the use of a pram, wheelchair or other mobility device in that location has not been prohibited by a reasonable instruction in relation to safe movement in the subway given by an officer or included on a sign or notice put up by SPT.

12 Filming and recording

- 12.1 Passengers must not take photographs, or make video audio or visual recordings on any part of the subway.
- 12.2 The only exception to byelaw 12.1 is if a passenger has the written permission of SPT in relation to the activity. The passenger must be carrying the permission, show it to an officer on request, and comply with any conditions of that permission.

13 Trading and commercial activities

- 13.1 Whilst in the subway, passengers must not:
- 13.1.1 sell or offer for sale any good or service;
 - 13.1.2 distribute printed leaflets, flyers or materials for the purpose of advertising or publicity;
 - 13.1.3 ask or otherwise solicit for money or other property.
- 13.2 The only exception to byelaw 13.1 is if a passenger has the written permission of SPT in relation to the activity. The passenger must be carrying the permission, show it to an officer on request, and comply with any conditions of that permission.

14 Dangerous items

- 14.1 Passengers must not bring or have with them in the subway any item which is likely to cause damage to or to soil people or property.
- 14.2 The only exception to byelaw 14.1 is if a passenger has the written permission of SPT in relation to the item. The passenger must be carrying the permission, show it to an officer on request, and comply with any conditions of that permission.

15 Interference with subway equipment

- 15.1 Passengers must not use, operate or interfere with any equipment on or forming part of the subway. The only exception to this byelaw 15.1 is equipment which is clearly signed or intended for use by passengers, when this is used in the indicated manner.
- 15.2 Passengers must not use, operate or interfere with any emergency equipment in the subway, other than in a situation of genuine emergency for which the equipment is provided.

16 Lost and abandoned property

- 16.1 Any passenger who sees any lost or abandoned property in the subway must tell an officer as soon as possible.

16.2 Any passenger who picks up any lost or abandoned property in the subway must hand it to SPT as soon as possible.

16.3 If lost or abandoned property may:

16.3.1 cause an obstruction or disruption to the public or to SPT in the provision of the subway services; and/or

16.3.2 constitute a risk to safety or security,

SPT may remove it or make it safe, for example by carrying out a controlled explosion. SPT will not be liable to the owner of the property if SPT has been reasonable in the way it deals with lost or abandoned property.

16.4 Passengers must not chain or otherwise secure items to any part of the subway. SPT may deal with items chained or otherwise secured to any part of the subway as if they were lost or abandoned property. In dealing with such items SPT will not be liable for any damage to the chain or other means of security.

17 Car parks

17.1 Vehicles may not be left in an SPT car park for any period in excess of any maximum period indicated at the time of arrival by signage at the SPT car park.

18 Enforcing the byelaws

18.1 A passenger who breaches any of the byelaws commits an offence. On conviction of that offence a passenger may be liable for a penalty not exceeding level 3 on the standard scale. If more than one offence is committed, separate penalties may be applied to each. The "standard scale" is a scale of maximum fines for various criminal offences which is set by the Scottish Ministers and may be changed by them from time to time.

18.2 If in the reasonable opinion of an officer a passenger is engaging in conduct in breach of any byelaw, that passenger must immediately stop that conduct, if asked to do so by an officer.

18.3 If an officer reasonably suspects a passenger of having breached any byelaw the passenger must give the officer his name and address, if asked to do so.

18.4 If an officer reasonably suspects a passenger of having breached any byelaw the passenger must leave the subway as soon as possible, if asked to do so by an officer.

19 General exceptions from the byelaws

19.1 A byelaw will not be breached:

- 19.1.1 by a passenger, if the act or omission which would otherwise have been a breach was on the instructions of an officer;
- 19.1.2 by an officer, if the act or omission which would otherwise have been a breach was done in the proper course of that officer's duties.

20 Officers

20.1 An officer exercising any authority or function given to that officer by the byelaws must:

- 20.1.1 carry an official photographic identification which indicates the officer's name and employer; and
- 20.1.2 show that identification if requested to do so by a passenger.

20.2 An officer alleging that a passenger has breached or is suspected of having breached a byelaw shall state the nature of the breach in general terms to the passenger, if exercising any authority or function given to that officer by the byelaws.

21 Definitions

21.1 Some words and phrases used in the byelaws which have capital letters have special meanings. The definitions for these words are as follows:

alcohol	means alcohol as defined in the Licensing (Scotland) Act 2005.
byelaws	means these byelaws. Reference to a numbered byelaw is a reference to the paragraph numbering used in these byelaws.
officer	means: <ul style="list-style-type: none"> • a person acting in the course of his or her duties and who is an employee or agent of SPT or is otherwise authorised by SPT; or • any police constable acting in the execution of his or her duties upon or in connection with the subway.
passenger	means any person.
railway assets	has the meaning given to that phrase in the Railways Act 2005. That includes any train being used on a network, any network and any station (which includes approaches, forecourts and car parks used in connection with stations).
SPT	means the regional transport partnership described in Byelaw 22.2.
SPT car park	means any car park, in the vicinity of a station, operated by SPT, which is used for the purposes of, or otherwise used in connection with, the station.

station	means any station forming part of the subway.
subway	means the railway assets of which SPT is the operator, and which form part of or are used in connection with the system known generally as the Glasgow subway. The phrase "in the subway" means "in or on any premises comprising the subway"
subway services	means services conducted by or on behalf of SPT relating to the subway. Subway services may therefore include train services and other services conducted by or on behalf of SPT, whether underground or above ground.
ticket	means any ticket, card, authority or permit for travel issued by or on behalf of SPT for travel on the subway, including any smartcard or other means of stored value. If the conditions of travel require supporting documentation to be carried when using any type of ticket, card, authority or permit, "ticket" includes that supporting documentation.
train	means any railway train used in the subway, including all passenger vehicles.
valid ticket	means a ticket obtained by a passenger in a manner which does not breach the byelaws and which entitles the passenger, in accordance with the terms attaching to that ticket, to make the journey on the subway which the passenger is making or is attempting to make. Where the terms attaching to a ticket require the validation of the ticket or for it to carry certain information, such ticket shall not be a valid ticket unless and until the ticket has been properly validated or carries that information, as the case may be.

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

22 SPT's power to make the byelaws

- 22.1 The byelaws are made under section 46 and Schedule 9 of the Railways Act 2005.
- 22.2 The byelaws are made by SPT. SPT (which is short for Strathclyde Partnership for Transport) is the name by which the regional transport partnership for the area including Glasgow is known. That regional transport partnership, for the West of Scotland, was established by virtue of the Transport (Scotland) Act 2005, pursuant to the Regional Transport Partnerships (Establishment, Constitution and Membership) (Scotland) Order 2005. Using the power conferred by paragraph 3(4) of that Order on 27 January 2006 the regional transport partnership changed its name from the West of Scotland Transport Partnership to Strathclyde Partnership for Transport.

23 Revocation of previous byelaws

- 23.1 The byelaws made by the Strathclyde Passenger Transport Executive relating to the subway which came into operation on 1 December 1980 have been revoked by another set of byelaws made by SPT.

ANNEX 2 – REVOCATION BYELAWS

BYELAWS FOR GLASGOW SUBWAY

REVOCATION OF 1980 BYELAWS

SPT, the regional transport partnership for the West of Scotland, established pursuant to the Regional Transport Partnerships (Establishment, Constitution and Membership) (Scotland) Order 2005, in exercise of the powers conferred by section 3 as read with section 5 of the Greater Glasgow Passenger Transport Order 1979, hereby makes the following byelaws:



Signed for and on behalf of SPT by Valerie Davidson, Secretary to SPT


Date

Introduction to the revocation byelaws

SPT is making new byelaws for the Glasgow subway, to help SPT to make sure that travelling on the subway is easy, safe, secure and comfortable. For a technical legal reason the revocation (cancelling) of the previous subway byelaws has to be done separately – and that is what these revocation byelaws do.

Copies of the new subway byelaws and these byelaws are available on SPT's website. Printed copies are available on request from SPT.

SPT is the statutory successor to the Passenger Transport Executive for the Greater Glasgow Passenger Transport Area, which made the previous subway byelaws which are revoked by these byelaws.

Byelaws

1 Definition

In these byelaws, the "1980 byelaws" means the byelaws made for the Glasgow underground by the Passenger Transport Executive for the Greater Glasgow Passenger Transport Area in exercise of its powers pursuant to the Greater Glasgow Passenger Transport Order 1979, and confirmed by the Minister of Transport on 21 November 1980.

2 Coming into operation of these Byelaws

These byelaws will come into operation in accordance with the provisions of section 5(3) of the Greater Glasgow Passenger Transport Order 1979 and section 67(5) to (12) of the Transport Act 1962.

3 Revocation

These byelaws revoke the 1980 byelaws. The revocation of the 1980 byelaws shall be without prejudice to the validity of anything done under the 1980 byelaws or to any liability incurred in respect of any act or omission before the date of revocation of the 1980 byelaws.