

GLOUCESTERSHIRE WARWICKSHIRE STEAM RAILWAY PLC

BYELAWS

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GLOUCESTERSHIRE WARWICKSHIRE STEAM RAILWAY PLC

BYELAWS

FOR DEFINITIONS OF THE TERMS USED IN THESE BYELAWS PLEASE REFER TO THE END OF THIS DOCUMENT

Made under Section 67 of the Transport Act 1962 (as applied by Section 84(3) of that Act and as saved by Section 253 of, and paragraph 5 of Schedule 28 to, the Transport Act 2000) by Gloucestershire Warwickshire Steam Railway Plc and confirmed by the Secretary of State for Transport on 18th February 2009 for regulating the use and working of, and travel on or by means of, the Gloucestershire Warwickshire Railway, the maintenance of order on the railway and the conduct of all persons while at or upon the railway.

CONDUCT AND BEHAVIOUR

1. Queuing

- (1) The Company or an authorised person may require any person to queue in order to regulate order or safety on or near the railway.
- (2) Any person directed by a notice to queue, or when asked to queue by an authorised person, shall join the rear of the queue and obey the reasonable instructions of any authorised person regulating the queue.

2. Potentially dangerous items

- (1) Except with written permission from the Company or an authorised person, no person shall bring with him or allow to remain on the railway any item which, in the opinion of an authorised person, may threaten, annoy, soil or damage any person or any property.
- (2) If any person in charge of an item in breach of paragraph (1) of this Byelaw is asked by an authorised person to remove it and fails to do so immediately, then it may be removed by or under the direction of an authorised person.

3. Smoking

No person shall smoke or carry a lighted pipe, cigar, cigarette, match, lighter or other ignited item on any part of the railway on or near which there is a notice indicating that smoking is not allowed.

4. Intoxication and possession of intoxicating liquor

- (1) No person shall enter or remain on the railway where such person is unfit to enter or remain on the railway as a result of being in a state of intoxication.
- (2) Where reasonable notice is, or has been, given prohibiting intoxicating liquor on any train service, no person shall have any intoxicating liquor with him on it, or attempt to enter such train with intoxicating liquor with him.
- (3) Where an authorised person reasonably believes that any person is unfit to enter or remain on the railway, or has with him intoxicating liquor contrary to this Byelaw, an authorised person may:
 - (i) require him to leave the railway; and
 - (ii) prevent him entering or remaining on the railway until an authorised person is satisfied that he has no intoxicating liquor with him and/or is no longer in an unfit condition.

5. Unfit to be on the railway

No person shall enter or remain on the railway if, in the reasonable opinion of an authorised person, he is in an unfit or improper condition or his clothing may soil or damage any part of the railway or the property or clothing of any person on the railway.

6. Unacceptable behaviour

- (1) No person shall use any threatening, abusive, obscene or offensive language on the railway.
- (2) No person shall behave in a disorderly, indecent or offensive manner on the railway.
- (3) No person shall write, draw, paint or fix anything on the railway.
- (4) No person shall soil any part of the railway.
- (5) No person shall damage or detach any property on the railway.
- (6) No person shall spit on the railway.
- (7) No person shall drop litter or leave waste on the railway.
- (8) No person shall molest or wilfully interfere with the comfort or convenience of any person on the railway.

7. Music, sound, advertising and carrying on a trade

- (1) Except with written permission from the Company, no person on the railway shall, to the annoyance of any person:
 - (i) sing; or
 - (ii) use any instrument, article or equipment for the production or reproduction of sound.
- (2) Except with written permission from the Company, no person on the railway shall:
 - (i) display anything for the purpose of advertising or publicity, or distribute anything; or
 - (ii) sell or expose or offer anything for sale; or
 - (iii) tout for, or solicit money, reward, custom or employment of any kind.
- (3) A person shall have the written permission referred to in Byelaw 7 with him when undertaking the activities referred to in paragraph (1) or paragraph (2) of this Byelaw on the railway and shall hand it over for inspection when asked by an authorised person. A person shall comply with any conditions set out in or attached to the written permission.

8. Unauthorised gambling

No person shall gamble on any part of the railway except lawful gambling on premises authorised by the Company for that purpose.

EQUIPMENT AND SAFETY

9. Stations and other railway premises

- (1) Where the entrance to or exit from any platform or station is via a manned or an automatic ticket barrier no person shall enter or leave the station, except with permission from an authorised person, without passing through the barrier in the correct manner.
- (2) No person shall open a barrier or any other gate on the railway except where there is a notice indicating that it may be used by him or with permission from an authorised person.
- (3) Where there is a notice by an entrance or exit on any part of the railway indicating that it shall be used for entrance or exit only, no person shall enter by the exit or leave by the entrance. No person shall enter or leave by an emergency exit except in an emergency or when directed to do so by an authorised person.
- (4) No person shall move, operate or stop any lift except:
 - (i) in an emergency, by means of equipment on or near which is a notice indicating that it is intended to be used in an emergency; or
 - (ii) by means of any of the controls intended for use by that person.

10. Trains

- (1) No person shall enter through any train door until any person leaving that door has passed through.
- (2) No person shall be in or on any train except in or on the parts of it intended for the use of that person.
- (3) No person shall open a train door, or enter or leave any train, while it is in motion or between stations.
- (4) No person shall enter or leave a train except by proper use of a train door.
- (5) In the case of automatic closing doors, no person shall enter or leave by the door when it is closing.

11. General safety

- (1) No person shall move, operate, obstruct, stop or in any other way interfere with any, automatic closing door, train, or any other equipment on the railway except:
 - (i) in an emergency, by means of any equipment on or near which is a notice indicating that it is intended to be used in an emergency; or
 - (ii) any equipment intended for the use of passengers in that way in normal operating circumstances.
- (2) No person shall place, throw, drop or trail anything on the railway which is capable of injuring, damaging or endangering any person or any property.
- (3) No person shall, without reasonable cause, activate any emergency system and/or communications system provided on any part of the railway including a train.

12. Safety Instructions

- (1) The Company may issue reasonable instructions relating to safety on any part of the railway by means of a notice on or near that part of the railway. No person shall, without good cause, disobey such notice.
- (2) An authorised person may, in an emergency or in other circumstances in which he believes he should act in the interests of safety, issue instructions to any person on the railway. No person shall, without good cause, disobey such instruction.
- (3) No offence is committed under these Byelaws where a person acts in accordance with the notices or instructions given under this Byelaw.

CONTROL OF PREMISES

13. Unauthorised access and loitering

- (1) No person shall enter or remain on any part of the railway where there is a notice:
 - (i) prohibiting access; or
 - (ii) indicating that it is reserved or provided for a specified category of person only, except where he belongs to that specified category.
- (2) No person shall loiter on the railway if asked to leave by an authorised person.

14. Traffic signs, causing obstructions and parking

- (1) No person in charge of any motor vehicle, bicycle or other conveyance shall use it on any part of the railway in contravention of any traffic sign.
- (2) No person in charge of any motor vehicle, bicycle or other conveyance shall leave or place it on any part of the railway:
 - (i) in any manner or place where it may cause an obstruction or hindrance to the Company or any person using the railway; or
 - (ii) otherwise than in accordance with any instructions issued by or on behalf of the Company or an authorised person.
- (3) No person in charge of any motor vehicle, bicycle or other conveyance shall park it on any part of the railway where charges are made for parking by the Company or an authorised person without paying the appropriate charge at the appropriate time in accordance with instructions given by the Company or an authorised person at that place.
- (4)
 - (i) The owner of any motor vehicle, bicycle or other conveyance used, left or placed in breach of this Byelaw may be liable to pay a penalty as displayed in that area.
 - (ii) Without prejudice to paragraph (4)(i) of this Byelaw, any motor vehicle, bicycle or other conveyance used, left or placed in breach of these Byelaws may be clamped, removed, and stored, by or under the direction of the Company or an authorised person.
 - (iii) The owner of the motor vehicle, bicycle or other conveyance shall be liable to the Company or an authorised person for the costs incurred in clamping, removing, storing and/or disposing of it from any area provided that there is in that area a notice advising that any vehicle parked contrary to these Byelaws may be clamped, removed, stored and/or disposed of by the Company or an authorised person and that the costs incurred by the Company or an authorised person for this may be recovered from the vehicle's owner.

- (iv) The power of clamping and removal referred to in paragraph (4)(ii) of this Byelaw shall not be exercisable in any area where passenger parking is permitted unless there is on display in that area a notice advising that any vehicle parked contrary to these Byelaws may be clamped and/or removed by the Company or an authorised person.

15. Pedestrian-only areas

- (1) Any person who enters, or is on, any part of the railway to which the public have access must be on foot, except:
 - (i) where there is a notice permitting access to that part of the railway to those with specified conveyances; or
 - (ii) where the Company or an authorised person has given permission,and in either case he shall obey any instructions given by the Company or an authorised person.
- (2) No person shall be in breach of this Byelaw for properly using a wheelchair or baby carriage, except where there is a notice or instructions given by an authorised person to the contrary.

16. Control of animals

- (1) The Company may refuse carriage or entry to any animal.
- (2) No person shall bring an animal on to the railway without a valid ticket for that animal, if the Company requires him to have a valid ticket for the carriage of such an animal.
- (3) Except with permission from the Company or an authorised person, no person shall bring an animal on to the railway which, in the opinion of an authorised person, may threaten, annoy, soil or injure any person or damage any property.
- (4) If any person in charge of an animal in breach of paragraphs (1), (2) or (3) of this Byelaw is asked by an authorised person to remove it and fails to do so immediately, then it may be removed by or under the direction of an authorised person.
- (5) No person in charge of an animal shall allow it to foul or damage any part of the railway.
- (6) No person in charge of any animal shall leave or place it unattended on any part of the railway (except in a place provided for that purpose by the Company and only for as long as is absolutely necessary and in accordance with any direction of the Company or an authorised person).
- (7) Any animal left or placed in breach of paragraph (6) of this Byelaw may be removed and/or stored by or under the direction of an authorised person. The person in charge of the animal shall be liable to the Company for the cost incurred by the Company (or other person on its behalf) in removing and storing it.
- (8) Any person in charge of an animal that has soiled or caused damage to any part of the railway shall be liable to the Company for the cost of putting the property soiled or damaged back into its proper condition.
- (9) Any liability to the Company under paragraph (7) or (8) of this Byelaw is in addition to any penalty for the breach of any other provision of this Byelaw.

TRAVEL AND FARES

17. Compulsory ticket areas

- (1) No person shall enter a compulsory ticket area on the railway unless he has with him a valid ticket or such a ticket is held on his behalf by a person accompanying him.
- (2) A person shall hand over his ticket for inspection and verification of validity when asked to do so by an authorised person.
- (3) No person shall be in breach of paragraphs (1) or (2) of this Byelaw if:
 - (i) there were no facilities in working order for the issue or validation of any ticket at the time when, and the station where, he began his journey; or
 - (ii) there was a notice at the station where he began his journey permitting journeys to be started without a valid ticket; or
 - (iii) an authorised person gave him permission to travel without a valid ticket.

18. Ticketless travel in non - compulsory ticket areas

- (1) In any area not designated as a compulsory ticket area, no person shall enter any train for the purpose of travelling unless he has with him a valid ticket entitling him to travel.
- (2) A person shall hand over any such ticket for inspection and verification of validity when asked to do so by an authorised person.
- (3) No person shall be in breach of this Byelaw if:
 - (i) there were no facilities in working order for the issue or validation of any ticket at the time when, and the station where, he began his journey; or
 - (ii) there was a notice at the station where he began his journey permitting journeys to be started without a valid ticket; or
 - (iii) an authorised person gave him permission to travel without a valid ticket.

19. Classes of accommodation, reserved seats and sleeping berths

Except with permission from an authorised person, no person shall remain in any seat, berth or any part of a train where a notice indicates that it is reserved for a specified ticket holder or holders of tickets of a specific class, except the holder of a valid ticket entitling him to be in that particular place.

20. Altering tickets and use of altered tickets

- (1) No person shall alter any ticket in any way with the intent that the Company or any other railway company or road transport company shall be defrauded or prejudiced.
- (2) No person shall knowingly use any ticket which has been altered in any way in breach of paragraph (1) of this Byelaw.

21. Unauthorised buying or selling of tickets

- (1) Subject to paragraph (4) of this Byelaw, no person shall sell or buy any ticket.
- (2) Subject to paragraph (4) of this Byelaw, no person shall transfer or receive any unused or partly used ticket, intending that any person shall use it for travelling unless the conditions of use for the ticket specifically permit such transfer.

- (3) Subject to paragraph (4) of this Byelaw no person shall knowingly use any ticket which has been obtained in breach of this Byelaw.
- (4) The sale or transfer by, or the purchase or receipt from, an authorised person in the course of his duties or from an authorised retailer or an authorised ticket machine is excepted from the provisions of this Byelaw.

22. 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 having paid the correct fare.
- (2) No person shall transfer or produce a ticket on behalf of another person intending to enable that other person to travel without having paid the correct fare.

ENFORCEMENT AND INTERPRETATION

23. Name and address

- (1) Any person reasonably suspected by an authorised person of breaching or attempting to breach any of these Byelaws shall give his name and address when asked to do so by an authorised person.
- (2) The authorised person asking for details under paragraph (1) of this Byelaw shall state the nature of the breach of any of these Byelaws in general terms at the time of the request.

24. Enforcement

- (1) Offence and level of fines

Any person who breaches any of these Byelaws commits an offence and, with the exception of Byelaw 17, may be liable for each such offence to a penalty not exceeding level 3 on the standard scale.

- (2) Removal of persons

- (i) Any person who is reasonably believed by an authorised person to be in breach of any of these Byelaws shall leave the railway immediately if asked to do so by an authorised person.
- (ii) Any person who is reasonably believed by an authorised person to be in breach of any of these Byelaws and who fails to desist or leave when asked to do so by an authorised person may be removed from the railway by an authorised person using reasonable force. This right of removal is in addition to the imposition of any penalty for the breach of these Byelaws.
- (iii) No person without reasonable cause shall fail to carry out the instructions of an authorised person acting in accordance with powers given by these Byelaws or any other enactment.
- (iv) In exercising powers conferred by paragraphs (2)(i) and (2)(ii) of this Byelaw the authorised person shall state the nature of the breach of any of these Byelaws in general terms prior to exercising the power conferred upon him.

- (3) Identification of authorised persons

An authorised person, who is exercising any power conferred on him by any of these Byelaws, shall produce a form of identification when requested to do so and such

identification shall state the name of his employer and shall contain a means of identifying the authorised person.

(4) Notices

No person shall be subject to any penalty for breach of any of the Byelaws by disobeying a notice unless it is proved to the satisfaction of the Court before whom the complaint is laid that the notice referred to in the particular Byelaw was displayed.

(5) Attempts

Any person who attempts to breach any of the Byelaws numbered 9, 10, 11, 13(1), 20(2) and 21 shall be liable to the same penalty as given above for breach of that Byelaw.

(6) Exemption for authorised persons

An authorised person acting in the course of his duties shall not be liable for breach of any of the Byelaws numbered 2, 4(2), 6(3) and 6(5), 7, 9, 10, 11(1), 13, 14, 15, 17, 18, 19 and 20(1).

25 Interpretation

(1) Definitions

In these Byelaws the following expressions have the following meanings:

"authorised person" means:

- (i) a person acting in the course of his duties who:
 - (a) is an employee or agent of the Company, or
 - (b) Is any other person authorised by the Company; or
- (ii) any constable, acting in the execution of his duties upon or in connection with the railway;

and for the purposes of these Byelaws "employee" includes a voluntary worker and "employer" shall be construed accordingly;

"the Company" means the Gloucestershire Warwickshire Steam Railway Plc;

"compulsory ticket area" means any area designated as such under a Penalty Fares Scheme and identified by a notice to this effect. Persons who enter a compulsory ticket area without being in possession of a valid ticket may be liable to pay a penalty fare;

"intoxication" means being under the influence of intoxicating liquor, drugs or other substances;

"intoxicating liquor" has the meaning given to it in the Licensing Act 1964 (as amended or replaced from time to time).

"notice" means a notice given or displayed by or on behalf of the Company;

"railway" means the railway assets of, or under the management of, the Company;

"railway assets" means any

- (a) train;
- (b) network;
- (c) station;

(d) light maintenance depot;

and any associated track, buildings and equipment;

“standard scale” has the meaning given by section 37 of the Criminal Justice Act 1982, –

and includes any replacement, modification or amendment thereto;

"ticket" includes:

- (i) a ticket (including one issued by or on behalf of another railway undertaking or road transport undertaking) authorising the person for whom it is issued to make the journey covered by the fare paid on a train provided by the Company (whether or not it also authorises that person to make a journey on a train provided by another railway undertaking or on a vehicle of a road transport undertaking);
- (ii) any permit authorising the person to whom it is issued to travel on a train provided by the Company (whether or not it also authorises that person to make a journey on a train provided by another railway undertaking or on a vehicle of a road transport undertaking);
- (iii) an authority to travel on a train provided by the Company issued subject to a condition that payment of the correct fare for the person using that authority for the journey on which it is used is made during or at the end of that journey or otherwise as provided by the terms applicable to its use;
- (iv) a ticket authorising a person to enter a compulsory ticket area but not to make a train journey;
- (v) any type of free pass, privilege ticket, or any warrant, identity card, voucher, or other similar authority accepted by the Company as authority to travel, or in exchange for or on production of which a ticket for travel may be issued;
- (vi) any identity card, reservation or other document required by the Company to be held or produced for use with other travel documents;
- (vii) any type of smart card, pre-pay or other form of electronic ticket, and
- (viii) any other ticket or document issued for the purpose of travel of any animal or article on the railway accepted by the Company.

“traffic sign” means an object or device for conveying to traffic, or any specified class of traffic, warnings, information, requirements, restrictions or prohibitions of any kind;

“train” means any item of rolling stock and includes any carriage, wagon or locomotive;

“valid ticket” means a ticket (including any associated photo/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 railway service he is using or attempting to use. 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 purposes of these Byelaws unless and until the ticket has been properly validated.

(2) Introduction, table of contents and headings

The Introduction, table of contents and headings used in these Byelaws are for assistance only and are not to be considered as part of these Byelaws for the purpose of interpretation.

(3) Plural

Unless the context requires to the contrary, words importing the singular shall include the plural and vice versa.

(4) Gender

Unless the context requires to the contrary, words importing one gender shall include the other gender.


26. Coming into force of these Byelaws and revocation of the previous byelaws

These Byelaws shall come into force in accordance with the provisions of Section 67 of the Transport Act 1962 (applied and saved as aforesaid).

The Common Seal of the **Gloucestershire Warwickshire Steam Railway Plc** was hereby affixed:-

In the presence of:

Director


..... G. P. OWEN

Company Secretary


..... W. E. MILLER



on FIRST DAY OF AUGUST 2008

The Secretary of State for Transport confirms the above Byelaws and fixes 23rd March 2009 as the date the Byelaws shall come into force.

Signed by authority of Secretary of State for Transport on 18th February 2009.

Signature


.....

Rowan Smith, Divisional Manager, Rail Service Delivery
Department for Transport

Certificate of authenticity

It is hereby certified that:

- (1) the above Byelaws were made by the Gloucestershire Warwickshire Steam Railway Plc;
- (2) this is a true copy of the Byelaws;
- (3) on _____ the Byelaws were confirmed by the Secretary of State for Transport; and
- (4) the Byelaws came into force on _____.