

## SCHEDULES

### SCHEDULE 9

Article 48

#### BLACKWALL AND SILVERTOWN TUNNELS BYELAWS

### PART 1

#### PRELIMINARY

##### Citation and commencement

1. These byelaws may be cited as the Blackwall and Silvertown Tunnels Byelaws 2018 and are deemed to be made by Transport for London under article 48(1) of the Silvertown Tunnel Order 2018(1) and confirmed by the Secretary of State as provided for by article 48(2) of that Order.

##### Interpretation

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

“the approaches” means the Blackwall Tunnel approaches and the Silvertown Tunnel approaches”;

“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 TfL; or
- (ii) is authorised by TfL; 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, person authorised for the purposes of section 44 (powers of fire-fighters etc in an emergency etc) of the Fire Services Act 2004(2) or a person accredited by or under section 41 (accreditation under community safety accreditation schemes) of the Police Reform Act 2002(3), acting in the execution of that person’s duties within the tunnels;

“the Blackwall Tunnel” means the twin bore road tunnel under the river Thames between Blackwall and the Greenwich Peninsula and forming part of the A102 road, which is a GLA road, as shown by solid green lines on the tunnels location and operational boundaries plans;

“the Blackwall Tunnel approaches” means the northern and southern approaches to the Blackwall Tunnel, the linear extent of which is shown by dashed green lines on the tunnels location and operational boundaries plans;

“the Blackwall Tunnel area” means the extent of the public highway comprised in and along the Blackwall Tunnel and the Blackwall Tunnel approaches;

“the byelaws” means these byelaws;

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(1) S.I. 2018/574.

(2) 2004 c. 21.

(3) 2002 c. 30.

*Status: This is the original version (as it was originally made).*

“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;

“fixed penalty notice” is a notice issued under article 49 (fixed penalty notices) of the Silvertown Tunnel Order 2018;

“marshalling area” means an area (if any) provided for the marshalling of motor vehicles using, or intending to use, the tunnels;

“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;

“the Silvertown Tunnel” means the twin bore road tunnel to be constructed as Work No. 1, and as shown by solid blue lines on the tunnels location and operational boundaries plans;

“the Silvertown Tunnel approaches” means the northern and southern approaches to the Silvertown Tunnel, the linear extent of which is shown by dashed blue lines on the tunnels location and operational boundaries plans;

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

“TfL” means Transport for London, the body corporate established under section 154 (establishment) of the Greater London Authority Act 1999, of Windsor House, 42 Victoria Street, London, SW1H 0TL;

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

“the tunnels” means the Blackwall Tunnel and the Silvertown Tunnel;

“the tunnels areas” means the Blackwall Tunnel area and the Silvertown Tunnel area;

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

“tunnel infrastructure” means the structure (including the carriageway) of the Blackwall Tunnel and the Silvertown Tunnel;

“the tunnels location and operational boundaries plans” means the plans of that description certified by the Secretary of State under article 65 (certification of documents) of the Silvertown Tunnel Order 2018;

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

“Work No. 1” means the work of that description in Schedule 1 (authorised development) to the Silvertown Tunnel Order 2018.

(2) References in these byelaws to TfL include any wholly-owned subsidiary (as defined in section 1159 (meaning of “subsidiary” etc) of the Companies Act 2006<sup>(4)</sup>) of TfL.

(3) The Interpretation Act 1978<sup>(5)</sup> applies to the interpretation of these byelaws as it applies to the interpretation of an Act of Parliament.

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(4) 2006 c. 46.

(5) 1978 c. 30.

## PART 2

### CONDUCT AND BEHAVIOUR

#### **Smoking etc.**

3. A person in the tunnels 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 tunnels or any machinery, apparatus, tools or other things in use or intended for use in connection with the tunnels;
  - (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;
  - (e) fix anything to any tunnel equipment or tunnel infrastructure;
  - (f) spit, urinate or defecate in the tunnels areas;
  - (g) leave litter or waste in the tunnels areas;
  - (h) move, alter, deface or otherwise interfere with any notice belonging to TfL which is exhibited or placed in the tunnels areas; or
  - (i) without prejudice to any other requirement of these byelaws, act in any way as to cause a nuisance in the tunnels areas.

## 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 tunnels areas.
- (3) A person must not obstruct or in any way interfere with the tunnels areas.
- (4) A person must not, without reasonable cause, activate, use or interfere with any emergency, safety or communications equipment within the tunnels areas.

## 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 tunnels areas where there is a notice prohibiting or restricting access.

(2) A person must not loiter in the tunnels areas if asked to leave by an authorised person.

(3) A driver of a motor vehicle must not sleep within the tunnels areas.

#### **Traffic regulation**

7.—(1) A person (other than an authorised person) must not enter the tunnels on foot.

(2) A person (other than an authorised person) must not use or cause to be used within the tunnels areas 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 tunnels 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.

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

(6) A person must not abandon a motor vehicle in the tunnels areas 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 tunnels.

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

(9) A person must not take or cause to be taken into the tunnels areas 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 tunnels 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 tunnels areas without the permission of an authorised person.

(12) A driver of a motor vehicle which has broken down in the tunnels areas 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 tunnels such that it has caused, or may cause, an obstruction or other hazard to users of the tunnels 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 person must not take into the Blackwall Tunnel a motor vehicle which has—
  - (a) a weight of more than 44,000 kilograms;
  - (b) an axle load of more than 10,000 kilograms for a single non-driving axle and 11,500 kilograms for a single driving axle;
  - (c) a width of more than 2.9 metres; or
  - (d) a rigid length of more than 18.65 metres.
- (15) A person must not take into the Blackwall Tunnel a motor vehicle of a height greater than the heights set out in this table—

<i>Direction</i>	<i>Traffic lanes and maximum vehicle heights</i>
Northbound	Lane 1 (nearside): 4 metres or 13 feet
	Lane 2 (offside): 2.8 metres or 9 feet
Southbound	Both lanes: 4.7 metres or 15 feet and six inches

(16) A driver of a motor vehicle must not (unless directed by an authorised person) drive in the tunnels areas 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.

(17) 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 TfL, take or cause or permit to be taken into the tunnels areas a motor vehicle carrying dangerous goods and must at all times when in the tunnels areas comply with the conditions imposed by paragraph (2) below.

(2) The consent of TfL, if granted, is subject to the following conditions—

- (a) no person may drive into the tunnels 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; and
- (b) a driver of a motor vehicle to which paragraph (1) applies must be accompanied by a person legally entitled to drive the motor vehicle who will be capable of stopping the motor vehicle in the event of sudden illness or incapacity overtaking the driver while in the tunnels.

(3) The driver of a motor vehicle to which paragraph (1) applies must stop on arriving at any marshalling area and must not proceed further into the tunnels without the consent of, or as directed by, an authorised person.

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

(5) TfL 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 (4).

(6) A driver of a motor vehicle in the tunnels areas 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 byelaw [9\(1\)](#) 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 tunnels areas must carry out the reasonable instructions of an authorised person or the requirements of a notice displayed by TfL.

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

(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 whom 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 byelaw [11\(1\)](#) 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 duties of the authorised person 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.