
STATUTORY INSTRUMENTS

2006 No. 3118

The Luton Dunstable Translink Order 2006

PART 4

OPERATION OF TRANSLINK

Power to operate and use Translink

29.—(1) The Council may operate and use the authorised busway and the other authorised works as a system, or part of a system, of transport for the carriage of passengers and goods and that system is referred to in this Order as Translink.

(2) Subject to paragraph (4) and to article 42 (power to transfer undertaking), the Council shall, for the purpose of operating Translink, have the exclusive right—

- (a) to use the authorised busway and other apparatus used for the operation of Translink, and
- (b) to occupy any part of the street in which that apparatus is situated.

(3) Any person who, without the consent of the Council or other reasonable excuse, uses Translink or the apparatus mentioned in paragraph (2) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(4) Nothing in this article shall restrict the exercise of any public right of way over any part of a street in which apparatus is situated in pursuance of paragraph (2) except to the extent that the exercise of the right is constrained by the presence of the apparatus.

Power to charge fares

30. The Council may demand, take and recover or waive such charges for carrying passengers or goods on Translink, or for any other services or facilities provided in connection with the operation of Translink, as the Council thinks fit.

Traffic control

31.—(1) The Council may, for the purposes of, or in connection with the operation of Translink, place or maintain traffic signs of a type prescribed by regulations made under section 64(1)(a) of the 1984 Act or of a character authorised by the Secretary of State on or near any street along which the guided buses using Translink are run.

(2) Unless in the case they are the traffic authority, the Council—

- (a) shall consult with the traffic authority as to the placing of signs, and
- (b) unless the traffic authority are unwilling to do so and subject to any directions given under section 65 of the 1984 Act, shall enter into arrangements with the traffic authority for the signs to be placed and maintained by the traffic authority.

(3) Any power conferred by section 65 of the 1984 Act to give directions to a traffic authority or local traffic authority as to traffic signs shall include a power to give directions to the Council as

to traffic signs under this article; and, accordingly, the powers conferred by paragraph (1) shall be exercisable subject to and in conformity with any directions given under that section.

(4) A traffic authority or other authority having power under or by virtue of the 1984 Act to place and maintain, or cause to be placed and maintained, traffic signs on or near any street along which Translink is run shall consult with the Council as to the placing of any traffic sign which would affect the operation of Translink.

(5) Expressions used in this article and in the 1984 Act shall have the same meaning in this article as in that Act.

Traffic regulation

32.—(1) Subject to the provisions of this article the Council may, for the purposes of the authorised works, at any time prior to the expiry of 12 months from the opening of Translink for use and with the consent of the traffic authority in whose area the road is situated—

- (a) establish bus lanes on the roads specified in column (2) and along the lengths and between the points specified in column (3) of Part 1 of Schedule 9 (traffic regulation orders) to this Order;
- (b) prohibit vehicular access in the manner specified in Part 2 of Schedule 9 (traffic regulation orders) to this Order on those roads specified in column (2) and at the points and as respects direction to the extent specified in column (3) of that Part of that Schedule; and
- (c) revoke any traffic regulation order in so far as it is inconsistent with any prohibition, restriction or other provision made by the Council under this paragraph.

(2) The Council shall not exercise the powers of this article unless the Council has—

- (a) given not less than 12 weeks' notice in writing of their intention so to do to the chief officer of police and to the traffic authority in whose area the road is situated; and
- (b) advertised its intention in such manner as the traffic authority may, within 28 days of its receipt of notice of the Council's intention, specify in writing.

(3) Any prohibition, restriction or other provision made by the Council under paragraph (1) shall have effect as if duly made by the traffic authority in whose area the road is situated as a traffic regulation order under the 1984 Act and the instrument by which it is effected may specify savings (in addition to those mentioned in Schedule 9 (traffic regulation orders) to which the prohibition, restriction or other provision is subject).

Power to fell or lop trees overhanging the authorised busway

33.—(1) The Council may fell or lop any tree or shrub near any part of the authorised busway, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub—

- (a) from obstructing or interfering with the construction, maintenance or operation of Translink or any apparatus used for the purposes of Translink; or
- (b) from constituting a danger to passengers or other persons using Translink.

(2) In exercising the powers in paragraph (1), the Council shall do no unnecessary damage to any tree or shrub and shall pay compensation to any person for any loss or damage arising from the exercise of those powers.

(3) Any dispute as to a person's entitlement to compensation under paragraph (2), or as to the amount of the compensation, shall be determined under Part 1 of the 1961 Act.

(4) The following, namely—

- (a) an order under section 198(1) of the 1990 Act (tree preservation order); and

(b) section 211(1) of the 1990 Act (which prohibits the doing in conservation areas of any act which might be prohibited by a tree preservation order), shall not apply to any exercise of the powers in paragraph (1).

Trespass on the authorised busway

34.—(1) Any person who—

- (a) trespasses on the authorised busway; or
- (b) trespasses upon any land of the Council in dangerous proximity to the authorised busway or to any apparatus used for or in connection with the operation of Translink,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) For the purposes of this article, trespassing on the authorised busway includes causing or permitting a vehicle to be upon any part of the authorised busway which is not a public highway without permission.

(3) No person shall be convicted of an offence under this article unless it is shown that a notice warning the public not to trespass upon the authorised busway was clearly exhibited and maintained at the stopping place on the authorised busway nearest the place where the offence is alleged to have been committed.

Service subsidy agreements

35. Any service subsidy agreement relating to the operation of guided bus services operating over Translink shall be excluded from section 89(1) of the 1985 Act.

Concessionary travel

36. Sections 93 to 102 and 112 of the 1985 Act (which make provision for travel concession schemes) shall apply to guided bus services operating over Translink, notwithstanding that such services may not be eligible services as defined in section 94(4) of that Act.

Registration of busway services

37. For the purposes of the application of Part 1 of the 1985 Act but subject to article 38 (substitute road services), the authorised busway shall be a road within the meaning of section 137(1) of that Act.

Substitute road services

38. The Council may provide or secure the provision by other persons of services for the carriage of passengers by road (“substitute services”) where Translink has been temporarily interrupted, curtailed or discontinued.

(2) The route, frequency and stopping places of any substitute service need not correspond with the route of the interrupted, curtailed or discontinued service.

(3) Section 6 of the 1985 Act shall not apply to any substitute services.

Obstruction of construction of Translink

39. Any person who, without reasonable excuse, obstructs another person from constructing Translink shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Power to make byelaws

40.—(1) The Council may make byelaws regulating the use and operation of, and travel on, Translink, the maintenance of order on Translink and on busway premises or other facilities provided in connection with Translink and the conduct of all persons including employees of the Council while on busway premises.

(2) Without prejudice to the generality of paragraph (1), byelaws under this article may make provision—

- (a) with respect to tickets issued for travel on Translink, the payment of fares and charges and the evasion of payment of fares and charges;
- (b) with respect to interference with, or obstruction of, the operation of Translink or other facilities provided in connection with Translink including the recovery of costs involved in removing such an obstruction or interference;
- (c) with respect to the prevention of nuisances or trespass on Translink;
- (d) for regulating the passage of bicycles and other vehicles on ways and other places intended for the use of persons on foot within busway premises;
- (e) for the safe custody and re-delivery or disposal of any property accidentally left on busway premises and for fixing the charges made in respect of any such property; and
- (f) for prohibiting or restricting the placing or leaving of any vehicle without its driver on any part of Translink or on busway premises.

(3) In paragraph (1) references to “busway premises” are references to premises of the Council used for or in connection with the operation of Translink but do not include references to the inside of a guided bus or premises within the boundary of a street.

(4) Byelaws under this article may provide for it to be an offence for a person to contravene, or to fail to comply with, a provision of the byelaws and for such a person to be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) Without prejudice to the taking of proceedings for an offence included in byelaws by virtue of paragraph (4), if the contravention of, or failure to comply with, any byelaw under this article is attended with danger or annoyance to the public, or hindrance to the Council in the operation of the busway, the Council may summarily take action to obviate or remove the danger, annoyance or hindrance.

(6) Byelaws under this article shall not come into operation until they have been confirmed by the Secretary of State.

(7) At least 28 days before applying for any byelaws to be confirmed under this article, the Council shall publish in such manner as may be approved by the Secretary of State a notice of the Council’s intention to apply for the byelaws to be confirmed and of the place at which and the time during which a copy of the byelaws will be open to public inspection; and any person affected by any of the byelaws may make representations on them to the Secretary of State within a period specified in the notice, being a period of not less than 28 days.

(8) For at least 24 days before an application is made under this article for byelaws to be confirmed, a copy of the byelaws shall be kept at the principal offices of the Council and shall at all reasonable hours be open to public inspection without payment.

(9) The Council shall, at the request of any person, supply him with a copy of any such byelaws on payment of such reasonable sum as the Council may determine.

(10) The Secretary of State may confirm with or without modification, or may refuse to confirm, any of the byelaws submitted under this article for confirmation and, as regards any byelaws so confirmed, may fix a date on which the byelaws shall come into operation; and if no date is so fixed

the byelaws shall come into operation after the expiry of 28 days after the date on which they were confirmed.

(11) The Secretary of State may charge the Council such fees in respect of any byelaws submitted for confirmation under this article as he may consider appropriate for the purpose of defraying any administrative expenses incurred by him in connection therewith.

(12) A copy of the byelaws when confirmed shall be printed and deposited at the principal office of the Council and shall at all reasonable hours be open to public inspection without payment, and the Council shall, at the request of any person, supply him with a copy of any such byelaws on payment of such reasonable sum as the Council shall determine.

(13) The production of a printed copy of byelaws confirmed under this article on which is endorsed a certificate purporting to be signed by a person duly authorised by the Council stating—

- (a) that the byelaws were made by the Council;
- (b) that the copy is a true copy of the byelaws;
- (c) that on a specified date the byelaws were confirmed by the Secretary of State; and
- (d) the date when the byelaws came into operation,

shall be prima facie evidence of the facts stated in the certificate.

Power to contract for police services

41.—(1) The Council may enter into any agreements with a police authority and its chief officer of police for the police force maintained by that authority to provide policing services for or in connection with the authorised busway, including at any busway premises.

(2) Any such agreement may provide for—

- (a) the Council to make payment or otherwise such payment or other consideration for those policing services as the parties may agree; and
- (b) such incidental and ancillary matters as the parties consider appropriate.

(3) In this article—

- (a) “chief officer of police” means a chief officer of police within the meaning of the Police Act 1996⁽¹⁾ or the Chief Constable of the British Transport Police Force; and
- (b) “police authority” means a police authority within the meaning of that Act or the British Transport Police Authority within the meaning of the Railways and Transport Safety Act 2003⁽²⁾.

(1) 1996 c. 16.

(2) 2003 c. 20.