

Appendix 1.

WEST MIDLANDS METRO SYSTEM BYELAWS

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West Midlands Combined Authority, pursuant to the powers conferred upon it by the Midland Metro Act 1989 (hereinafter referred to as "the Act") does hereby, as owner of West Midlands Metro (as hereinafter defined), make the following Byelaws in respect of West Midlands Metro, and the conduct and carriage of persons on vehicles and otherwise in relation to safety and conduct upon and in respect of West Midlands Metro.

DEFINITIONS

1. (1) In these Byelaws, the following expressions shall have the meanings set out below:
 - (a) "Authorised Officer" means:
 - (i) In relation to West Midlands Metro:
 - (a) any police officer acting in the execution of his duty; and
 - (b) any person/s from time to time designated by the Operator or WMCA (including any duly authorised subsidiary of WMCA) to be an Authorised Officer: and
 - (ii) in relation to those parts of West Midlands Metro which are used jointly with Network Rail:
 - (a) any of those persons mentioned in subparagraph (i) above: and
 - (b) any nominated officer, employee or agent of Network Rail
 - (b) "WMCA" means West Midlands Combined Authority.
 - (c) "Conditions of Carriage" means the conditions of contract in relation to the carriage of persons upon West Midlands Metro as approved by WMCA and as issued and amended from time to time by the Operator or by any franchisee Concessionaire or other agent properly appointed by the Operator to undertake the carriage of persons upon West Midlands Metro.
 - (d) "Franchise Operator" means the operator of heavy rail services in accordance with any franchise agreement entered into in response to the specification of services by WMCA in accordance with section 34 of the Railways Act 1993.

- (e) "West Midlands Metro" means the Midland Metro Light Rapid Transit System as defined in the Act or any statutory amendment thereto including but not limited to all Vehicles, Stops and other premises, signalling and telecommunications equipment, ticket vending equipment, rails, overhead line equipment and other equipment or items whatsoever which may from time to time be part of or be used upon or in connection with the said Light Rapid Transit System.
- (f) "Network Rail" means Network Rail Ltd or its successor.
- (g) "Stop" means any structure or area from time to time designated by WMCA (or any duly authorised subsidiary) for the collection by, or setting down of, passengers from vehicles, both on the street and the off-street sections of West Midlands Metro.
- (h) "The Operator" means the operator for the time being of West Midlands Metro, or a subsidiary of WMCA.
- (i) "Ticket" means any ticket, travel pass or official authority to travel on West Midlands Metro.
- (j) "Vehicle" means any tram, locomotive or other vehicle fitted with flanged wheels or adapted to travel upon West Midlands Metro (whether in operational use or otherwise).

(2) in addition:

- (a) references in these 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 the plural and vice versa and references to any gender shall include the other gender.
- (c) the headings in these Byelaws are for ease of reference only and shall not affect the interpretation of these Byelaws.

AUTHORITY AND PENALTIES

- 2. (1) These Byelaws are made by WMCA pursuant to the powers conferred upon it by Section 49 of the Midland Metro Act 1989.
- (2) Any Person contravening any of these Byelaws shall be liable upon summary conviction to a fine not exceeding level 3 on the standard scale (as defined in Section 37 of the Criminal Justice Act 1982).

- (3) Any Person who is reasonably suspected of contravening, or attempting to contravene, any of these Byelaws:
- (a) shall upon request to do so, give his/her name and address to any duly Authorised Officer,
 - (b) may be removed from any Vehicle or from West Midlands Metro by force if reasonably required by any duly Authorised Officer.
- (4) Without prejudice to Byelaws 2(2) and 2(3) above, the Operator may, where a Person has either been convicted of an offence on West Midlands Metro other than under these Byelaws, or has been convicted of any breach of these Byelaws, by written notice to the Person concerned, may prohibit that Person from entering West Midlands Metro and any breach of such a prohibition shall constitute a breach of these Byelaws.

CONDITIONS OF CARRIAGE

3. Persons who are passengers on West Midlands Metro shall comply with the Conditions of Carriage, these Byelaws and, additionally in relation to those parts of West Midlands Metro which are used jointly with Network Rail or a Franchise Operator, with any Byelaws issued by Network Rail or that Franchise Operator.

TICKETS AND CONCESSIONS

4. (1) Except with the permission of an Authorised Officer, no Person shall enter any Vehicle or any Stop unless that Person:
- a) has a valid Ticket enabling him to do so: or
 - (b) (i) has every intention of procuring a valid Ticket enabling him to do so, and
(ii) has proof of the ability to purchase a Ticket enabling him to do so: or
- (2) No Person shall enter any Stop, other than a Stop on a street, without the intention of entering any Vehicle unless they have every intention of meeting another Person at that Stop.
- (3) No Person shall remain upon a Vehicle or Stop, other than a Stop on a street, after the point at which his/her Ticket ceases to be valid.
- (4) 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. Additionally, no person shall buy, or produce a ticket for themselves or another person intending to enable themselves or another person to travel without having paid the required fare.

- (5) Any Person shall if so requested by any Authorised Officer deliver up his Ticket for inspection to such Authorised Officer and such Authorised Officer shall be entitled to retain such Ticket if it shall be found to have expired or to have been altered, defaced, mutilated or being invalid.
- (6) Any Person identified as having travelled upon a vehicle and who subsequently leaves the vehicle must retain a valid ticket whilst upon West Midlands Metro Property.
- (7) Any Person found to be in contravention of paragraphs (1), (2), (3), (4), (5) or (6) of these Byelaws shall be liable to pay a Penalty Fare payable to the Operator, as defined in Section 5 (1) of the Midland Metro (Penalty Fares) Act 1991.
- (8) No Person shall sell or purchase or attempt to sell or purchase any Ticket or transfer or receive or attempt to transfer or receive any Ticket or partly-used Ticket nor shall any Person knowingly use or attempt to use any Ticket which has been sold, purchased, transferred or received in contravention of the foregoing provisions of this paragraph.
- (9) In connection with any concessionary travel scheme that applies to enable travel on West Midlands Metro, no Person shall make use of, or attempt to make use of any such concession for any other purpose than that stated in accordance with the conditions set out in the specific concessionary scheme.
- (10) Where any fare for a journey on West Midlands Metro varies depending upon the time at which the journey is commenced by entering a Vehicle, no Person shall make use of any Ticket in contravention of time constraints applicable to that specific ticket except to the extent authorised by the Conditions of Carriage and/or as permitted by a duly authorised officer for these purposes.
- (11) Except with the permission of an Authorised Officer, no Person shall enter or remain upon any Stop for the purposes of skateboarding, roller skating, bicycle riding or any other recreational activity.

OBSTRUCTION OF WEST MIDLANDS METRO

5. (1) No unauthorised Person (whether a passenger on West Midlands Metro or otherwise) shall:
 - (a) obstruct any Vehicle: or
 - (b) construct, leave or operate any machinery, vehicle, material, structure or other matter or move or leave any animal on or in proximity to any Vehicle or any other part of West Midlands Metro: or

- (c) throw at or drop upon or leave on any part of West Midlands Metro any item or substance of any description such as would be likely to obstruct or endanger the safe, effective and efficient operation - of West Midlands Metro.
- (2) Without prejudice to Byelaw 5 (1) above, no Person shall, whether intentionally or recklessly do or permit to be done anything whereby the safety or security of West Midlands Metro or of any Person travelling upon the West Midlands Metro (whether a passenger on West Midlands Metro or otherwise) is (or is likely to be or become) endangered.
- (3)
 - (i) No Person shall without lawful authority bring upon West Midlands Metro any loaded shotgun or loaded air weapon, or any other firearm (whether loaded or not) together with ammunition suitable for use in that firearm.
 - (ii) The carrying of any knives, bladed articles or other offensive weapons as defined in law are expressly prohibited.
 - (iii) No Person shall bring or permit to remain upon West Midlands Metro, any inflammable, explosive (as defined in the Explosives Act 1875) or any corrosive gas, petrol or other spirit, liquid substance or matter which is likely to be or become dangerous and/or harmful to any Person or property.
- (4) Without prejudice to any penalty incurred by the contravention of this Byelaw 5, any vehicle, machinery, material, structure or other matter or any animal left on West Midlands Metro or in such a position as to obstruct or interfere with the safe and effective and efficient operation of West Midlands Metro may be removed by or under the direction of any Authorised Officer in such a manner as is deemed reasonably necessary. In such circumstances no liability whatsoever is or will be incurred and/or accepted in respect of any loss and/or damage, whether direct or indirect, caused thereby, and the Operator may recover from such Person/s responsible, any costs arising as a consequence.

NO SMOKING, FIRE OR LIGHTS

- 6.
 - (1) No Person shall smoke any lighted smokeables, or use vaping products and electronic-cigarettes (including but not limited to pipes, cigars or cigarettes, electronic-cigarettes or any other vaping products) on any Vehicle or on any part of West Midlands Metro.
 - (2) No Person shall, create or bring upon any part of West Midlands Metro any fire or other naked light whatsoever.

ALCOHOL AND OTHER SUBSTANCES

7. (1) No Person shall consume:
 - (a) any alcoholic beverage on any Vehicle or at any Stop.
 - (b) any food which is likely to soil, damage or destroy Metro property or property belonging to any other Person using the West Midlands Metro.
- (2) No Person who is in a state of intoxication or under the influence of the effects of any illegal substance shall enter or attempt to enter any part of West Midlands Metro, and (without prejudice to Byelaw 7(1) above) any Authorised Officer who reasonably believes any Person to be intoxicated or under the influence of the effects of any illegal substance shall be authorised and entitled to require such Person to leave West Midlands Metro forthwith (or if on a Vehicle when it is next safe to do so) and further to leave (or not to enter) any other Vehicle or any Stop.

ANIMALS

8. (1) No Person shall cause or permit to be brought into or upon or cause or permit to remain in any Vehicle or at any Stop any animal unless authorised by the Conditions of Carriage or any Authorised Officer and then only subject to such conditions and stipulations and to the payment of any such fare as may be specified by the Conditions of Carriage or Authorised Officer.
- (2) Nothing in these Byelaws nor in the Conditions of Carriage shall prohibit persons from bringing their Guide dog on to Metro as permitted for lawful assistance.
- (3) Subject to paragraph 8 (1) and (2) above, it shall be the responsibility of any Person bringing any animal on to the West Midlands Metro to ensure that such animal does not cause a nuisance, cause any obstruction to operations and further does not cause any nuisance and/or danger to any Person upon West Midlands Metro, or otherwise infringe of any of these Byelaws.
- (4) Subject to the foregoing provisions of this Byelaw:
 - (a) no Person shall cause or permit any animal to occupy a seat on any Vehicle:
 - (b) no Person shall leave or place any animal unattended in any Vehicle or on any Stop unless authorised by the Conditions of Carriage or any Authorised Officer.

(c) Without prejudice to any penalty incurred by the contravention of this Byelaw, any animal brought on to any Vehicle or Stop or left or placed unattended in contravention of this Byelaw may be reasonably removed. In such circumstances no liability whatsoever is or will be incurred and/or accepted in respect of any loss and/or damage, whether direct or indirect, caused by such removal, and the Operator may recover from such Person/s responsible, any costs arising as a consequence.

BICYCLES AND LUGGAGE

9. (1) No Person shall cause or permit to be brought onto, or permit to remain upon the Vehicle or any Stop which is not within a street:

(a) any cycle (within the meaning of s.192 of the Road Traffic Act 1988) (except that any cycle can be brought onto a Stop for the purposes of gaining access to a cycle stand at a Stop or a cycle-track (as defined by s.329 of the Highways Act 1980) adjacent to a Stop) or other wheeled vehicle (except for wheelchairs pushchairs and prams) unless authorised by the Conditions of Carriage. Fold-up bicycles are permitted if fully folded prior to boarding the Vehicle.

(b) Any luggage or other article which could be reasonably expected to cause or does cause obstruction, inconvenience or danger to any Person (whether a passenger on West Midlands Metro or otherwise) or damage to any property belonging to other users or to West Midlands Metro)

(2) Without prejudice to paragraph (1) above, any item which is brought upon any Vehicle or any other part of West Midlands Metro shall be so controlled or placed as to prevent obstruction, unnecessary inconvenience or danger to any Person (whether a passenger on West Midlands Metro or otherwise), and so as to prevent damage to property belonging to West Midlands Metro or to that of other Metro users), and shall otherwise be carried, placed and/or controlled in accordance with these Byelaws, the Conditions of Carriage and any directions given by any Authorised Officer and in particular any permission to bring any such item upon any Vehicle or upon any Stop may at any time be withdrawn by any Authorised Officer where in such Authorised Officer's reasonable opinion it is necessary for the prevention of obstruction or in the interests of safety or otherwise in order to ensure compliance with the terms of these Byelaws.

- (3) Without prejudice to any penalty incurred by contravention of this Byelaw, if the Person in charge of any item when requested so to do by an Authorised Officer fails immediately to remove that item from any Vehicle or as the case may be from any Stop, that item may be removed therefrom by or under the direction of such Authorised Officer acting reasonably and in such manner as is reasonably required. The Operator accepts no liability whatsoever in respect of any loss or damage caused thereby.

CONDUCT, OFFENSIVE LANGUAGE AND NOISE

10. No Person whilst on West Midlands Metro shall:

- (a) use any obscene, threatening, abusive or insulting language or behaviour.
- (b) make, create or permit any noise which may cause a nuisance or give reasonable grounds for annoyance to any Person on West Midlands Metro.
- (c) use any mobile telephone, radio, audio or video equipment in a manner which may cause nuisance or give reasonable grounds for annoyance to any other Person on West Midlands Metro.
- (d) otherwise conduct himself in a disorderly manner or in a manner likely to offend or obstruct or cause a nuisance or give reasonable grounds for annoyance to any other Person on West Midlands Metro.

CONDUCT ON WEST MIDLANDS METRO

11. No Person whilst on West Midlands Metro shall:

- (a) without reasonable excuse distract the driver on any Vehicle or otherwise obstruct any Authorised Officer in the performance of his duties whether on any Vehicle or elsewhere on West Midlands Metro;
- (b) tamper with or damage any part of West Midlands Metro
- (c) leave or enter any Vehicle or attempt to leave or enter any Vehicle, except:
 - (i) when that Vehicle has come to a halt at a designated Stop;
 - (ii) comply with any notices on any Vehicle or upon any other part of West Midlands Metro; and
 - (iii) comply with any directions which may be given by any Authorised Officer;

- (d) cross any part of the line comprised in West Midlands Metro other than in a safe and orderly manner paying due care and attention to any signs and to the position and motion of Vehicles and other vehicles or Persons and shall use the shortest possible route at designated crossing points in such a manner as to cause the minimum of nuisance and interference to West Midlands Metro and to other Persons:
- (e) post any bills or other material upon any part of West Midlands Metro without the prior written consent of the Operator or WMCA
- (f) distribute documents, beg for money or busk or collect monies or sell any item of whatever nature for reward on West Midlands Metro without prior written consent of the Operator and WMCA.
- (g) throw or drop litter or any other item or matter on or from or leave litter on any Vehicle or on any other part of West Midlands Metro save in receptacles provided for that purpose.
- (h) spit on or otherwise soil any part of West Midlands Metro
- (i) knowingly give any false fire, ambulance, bomb or other emergency alarm by whatsoever means calculated or intended to affect or interfere with the operation of West Midlands Metro.
- (j) climb on any part of West Midlands Metro except for entering and leaving Vehicles in the manner permitted by these Byelaws.
- (k) not without the authority of the Operator enter the driver's cab or any other part of any Vehicle or Stop which is from time to time:
 - (i) marked by a notice in a conspicuous position as being for the exclusive use of specified Persons and an Authorised assistant :
or
 - (ii) marked by a notice in a conspicuous position as being not open to the public.
- (l) enter any Vehicle or any Stop (i) wearing clothing bearing obscene or abusive words, or (ii) with equipment or material which may cause nuisance or inconvenience to other passengers.
- (m) set up temporary or permanent residence on any part of West Midlands Metro.
- (n) loiter

LOST PROPERTY

- 12. Any Person finding any item of lost property on West Midlands Metro shall as soon as practicable deliver such item up to an Authorised Officer or directly to the Operator.

WAITING FOR VEHICLES

- 13. Persons waiting for Vehicles shall conduct themselves in an orderly and reasonable manner and with due regard to the safety of other Persons.

PARKING OF VEHICLES

- 14. Without prejudice to any other provision of these Byelaws, no Person shall park or drive or cause to be parked or driven any vehicle on any part of West Midlands Metro not being a level crossing or otherwise in such a position or manner as is likely to cause an obstruction to any Vehicle or to West Midlands Metro or to Persons using West Midlands Metro.

SPEED LIMITS

- 15. No driver of a Vehicle shall cause or permit that Vehicle to exceed the speed indicated on a speed limit sign erected by the Operator and applying to that part of the West Midlands Metro through which the Vehicle is travelling.

OPERATIVE DATE

- 16. These Byelaws shall come into operation on the date they are confirmed by the Secretary of State for the Environment, Transport and the Regions.

THE COMMON SEAL OF THE WEST MIDLANDS COMBINED AUTHORITY was hereunto affixed XXXXXXXXXXXXXXXXXXXX in the presence of
Head of Governance

THE SECRETARY OF STATE FOR THE ENVIRONMENT, TRANSPORT AND THE REGIONS hereby confirms the foregoing Byelaws.

SIGNED by the authority of the SECRETARY OF STATE FOR THE ENVIRONMENT, TRANSPORT AND THE REGIONS the day of xxxx.

Head of Local Transport Policy Division Department of the Environment, Transport and the Regions.