



STATUTORY INSTRUMENTS.

S.I. No. 44 of 2012



LIGHT RAILWAY (REGULATION OF TRAVEL AND USE)
BYE-LAWS 2012

(Prn. A12/0281)

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The Railway Procurement Agency, in exercise of the powers conferred on it by section 66 (1) of the Transport (Railway Infrastructure) Act 2001 (No. 55 of 2001), hereby makes the following bye-laws.

Citation

1. These Bye-laws may be cited as the Light Railway (Regulation of Travel and Use) Bye-laws 2012.

Definitions

2. In these Bye-laws—

“authorised person” means any officer, employee or agent of an operator acting in the execution of his or her duty upon or in connection with a light railway or any member of the Garda Síochána whose attendance is requested on a light railway by an authorised person;

“operator” means the Railway Procurement Agency or such other person with whom the Agency has made arrangements under section 43(6) of the Transport (Railway Infrastructure) Act 2001 to operate a light railway;

“ticket” means any ticket or document or electronic method of storing travel value issued by or on behalf of an operator for the conveyance of any person on a light rail vehicle and includes any season ticket, commuter ticket, free pass, privilege ticket, or any warrant, identity card, voucher or other similar authority in exchange for or on production of which any ticket for the conveyance of any person may be issued;

“valid ticket” means a ticket for which the correct fare has been paid for the journey being undertaken and which is in force when the journey is being undertaken;

“passenger” means a person travelling or attempting to travel on a light rail vehicle.

“stop platform” means a platform for the collection or setting down of passengers by trams. The stop platform shall be 6 metres in width from the white line at the edge of the platform or, if less than 6 metres, to the nearest bounded property, wall or fence. The stop platform shall be limited in length to the area between the pedestrian crossings on the tracks or limited by a physical barrier such as a guard rail, wall or fence.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 14th February, 2012.*

Tickets

3. (1) A passenger shall not—
 - (a) travel or attempt to travel on a light rail vehicle without possession of a valid ticket,
 - (b) use or attempt to use a ticket other than under the terms and conditions under which it has been issued,
 - (c) use or attempt to use a ticket for more journeys than permitted by the ticket,
 - (d) forge, copy, deface or mutilate any ticket or use or attempt to use a ticket that has been forged, copied, defaced or mutilated,
 - (e) fail or refuse to produce a ticket to an authorised person for inspection when requested to do so,
 - (f) fail or refuse to produce a form of identification or other particular document to an authorised person for inspection when requested to do so where the validity of the ticket held by the passenger depends on the passenger being in possession of a form of identification or particular document,
 - (g) use or attempt to use a ticket without being in possession of a form of identification or other particular document where the validity of that ticket depends on the passenger using that ticket being in possession of a form of identification or particular document,
 - (h) transfer a ticket to any person where such ticket is not transferable,
 - (i) use or attempt to use a ticket that has issued to another person and is not transferable,
 - (j) where the validity of any ticket depends on the ticket being properly validated using a ticket validating machine, use or attempt to use a ticket which has not been so validated.
- (2) An authorised person is entitled to retain any ticket or form of identification or other particular document required for use with that ticket.
- (3) An operator may charge a reasonable fee for issuing or replacing any ticket or form of identification or other particular document required for use with any ticket.
- (4) A person shall not issue any ticket other than when authorised in writing to do so by an operator.
- (5) All tickets issued by or on behalf of an operator remain the property of the operator.

Standard fare

4. (1) A passenger, on entering a light rail vehicle, who is not in possession of a valid ticket, is liable to pay the standard fare.

(2) Where an authorised person observes an individual alighting from a light rail vehicle they may request that the individual produces a valid ticket for inspection on the stop platform.

(3) A passenger alighting from a light rail vehicle, who is not in possession of a valid ticket, is liable to pay the standard fare.

(4) An individual at a stop platform is not taken to be travelling on a tram service unless they came there by alighting from a tram.

(5) A passenger who is on a light rail vehicle without a valid ticket shall pay the standard fare to an authorised person immediately or, at the discretion of the authorised person and where the authorised person is satisfied as to the name and address of the passenger, within a period of 14 days of having so entered the light rail vehicle, to the operator concerned.

(6) An authorised person shall issue the relevant ticket to a passenger who has paid the standard fare and such a ticket entitles the passenger to travel to the next terminus.

(7) Where a passenger is found on a light rail vehicle without a valid ticket by an authorised person and the passenger refuses to pay the standard fare immediately, the authorised person may request the passenger to leave the light rail vehicle at the next stop and the passenger shall comply with such a request.

(8) In this Bye-law “standard fare” means a fare of €45.

Prohibited acts

5. (1) A person shall not on a light rail vehicle or a light railway—

(a) act in a manner that is abusive, threatening or offensive to any person,

(b) act in a manner that is a nuisance or a danger to any person,

(c) use any threatening, obscene or offensive language or make any threatening, obscene or offensive gesture,

(d) discard any litter or rubbish other than in a container provided for that purpose,

(e) write on, scratch, burn, paint on, draw on or mark in any way a light rail vehicle or light railway or affix any thing to a light rail vehicle or light railway,

(f) damage or attempt to damage any part of a light rail vehicle or light railway or the property of any person thereon,

- (g) cause undue soil to a light rail vehicle or light railway or the property of any person thereon,
- (h) throw any thing or spit in, at or from a light rail vehicle or light railway,
- (i) be intoxicated (within the meaning of section 4 of the Public Order Act 1994 (No. 2 of 1994)) or be in possession of any open bottle or container of intoxicating liquor or a controlled drug (within the meaning of section 2 of the Misuse of Drugs Act 1977 (No. 12 of 1977)),
- (j) be in possession of any gun, knife, explosive device or any other weapon or other dangerous item,
- (k) smoke any cigarette, cigar or pipe or be in possession of any lighted material,
- (l) use any skateboard, roller blades, roller skates or similar article,
- (m) leave any baggage, goods or property unattended,
- (n) open the door of a light rail vehicle or board or alight from a light rail vehicle or attempt to board or alight from a light rail vehicle, other than at a place designated by an operator as a place where passengers can board or alight from a light rail vehicle and when the light rail vehicle is stationary,
- (o) board or alight from or attempt to board or alight from a light rail vehicle when a warning tone indicating that the doors of the light rail vehicle are about to close is sounding,
- (p) board or attempt to board a light rail vehicle when it might be unsafe to do so, including when the light rail vehicle is fully occupied,
- (q) board or attempt to board a light rail vehicle with a bicycle unless it is folded and fully encased.
- (r) enter or attempt to enter any part of a light rail vehicle or light railway that is not designated for the use of passengers,
- (s) queue in a disorderly way,
- (t) distract or attempt to distract the driver of a light rail vehicle without reasonable and sufficient cause,
- (u) disregard or fail to obey any notice or announcement or direction that may apply or be made by an operator for the attention of passengers or any group of them,
- (v) disregard or fail to obey any direction made by an authorised person, give false, misleading or fictitious information to an authorised person,

- (w) use or attempt to use any means of emergency communication with the driver of a light rail vehicle or an operator without reasonable and sufficient cause,
- (x) place or use any object on a light rail vehicle or light railway in a manner that is or may become a danger to life or health, the operation and maintenance of a light rail vehicle or light railway or would otherwise interfere with the proper operation of a light rail vehicle or light railway,
- (y) fail to exercise due care to avoid injury to any person or property.

(2) An authorised person may seize and detain for a reasonable period or until the conclusion of any relevant court proceedings any object used in contravention of this Bye-law.

Restricted behaviour

6. (1) A person shall not on a light rail vehicle or a light railway without permission given by or on behalf of an operator—

- (a) distribute or display any leaflet, poster, advertisement, free newspaper or other document,
- (b) solicit, tout or ply for alms, reward, custom or employment,
- (c) sell or offer for sale any goods or services,
- (d) sing or perform with or without musical instruments or other equipment,
- (e) use any radio or television or any form of equipment for replaying recorded sound so as to be audible by any other person,
- (f) use any camera or video recorder or any form of equipment for recording sound or images so as to interfere with any other person,
- (g) carry on any form of gambling,
- (h) be in possession of any animal (other than a guide dog or a Peata therapy dog),
- (i) loiter or remain on a light railway without reasonable and sufficient cause,
- (j) conduct or take part in any public meeting or demonstration.

(2) An authorised person may seize and detain for a reasonable period or until the conclusion of any relevant court proceedings any object used in contravention of this Bye-law.

Parking

7. (1) A person shall not on a light railway—

- (a) park or use any vehicle otherwise than in an area designated for that purpose,
- (b) park or use any vehicle otherwise than in accordance with any notice or announcement or direction that may apply or be made by an operator,
- (c) park or use any vehicle in an area to which access is restricted or which has been designated for the use of pedestrians only,
- (d) park or use any vehicle in any place where it may be or may become a danger or a cause of nuisance or obstruction to any person or a danger to life or health or the operation and maintenance of a light rail vehicle or light railway,
- (e) park or use any vehicle in any place where it may restrict the passage of any light rail vehicle,
- (f) park or use any vehicle in a pay parking place without having paid the tariff for such parking or without displaying evidence of such payment, where required to do so.

(2) Where an authorised person finds a vehicle parked in contravention of paragraph (1)(a)-(f) of this Bye-law, he or she may issue a fine, fix an immobilisation device to the vehicle or cause the vehicle to be removed or do both.

(3) When on any occasion an immobilisation device has been affixed to a vehicle in accordance with this Bye-law, a warning notice shall also be affixed to the vehicle indicating that—

- (a) an immobilisation device has been affixed and that no attempt should be made to drive the vehicle or otherwise put it in motion, and
- (b) specifying the steps to be taken to secure release of the immobilisation device.

(4) A person shall not remove or in any way interfere with any notice or immobilisation device affixed to a vehicle by an authorised person under this Bye-law.

(5) A vehicle which has been removed or to which an immobilisation device has been affixed under this Bye-law, may only be released from the immobilisation device or returned to the person in charge of the vehicle, by or under the direction of an authorised person, on payment by the person in charge of the vehicle, to the operator of any costs associated with the removal or affixing of the device.

(6) A person who is in charge of a vehicle which is parked in a pay parking place shall not remove or attempt to remove the vehicle until any charges in respect of parking the vehicle at the place are paid.

(7) In this Bye-law—

“pay parking place” means a place provided by an operator for the parking of vehicles in accordance with tariffs charged by the operator for parking and where the rates of the tariff are displayed at the place in a prominent position;

“vehicle” means a mechanically propelled vehicle (with the meaning of section 3 of the Road Traffic Act 1961 (No. 24 of 1961)) or a bicycle or any other form of transport or conveyance.

Lost property

8. (1) An operator shall be entitled to take into its possession any article that it reasonably suspects has been lost by a passenger but will not become a bailee of the article.

(2) Any article taken into possession by the operator that has not been reclaimed within a period of 3 months from the date that it was taken into possession may be sold, destroyed or otherwise disposed of by the operator.

(3) A passenger who has lost any article on a light railway may apply in writing to the operator providing such information as may be reasonably necessary to deal with the application.

(4) The operator may charge a passenger a reasonable administration fee for the storage of any article lost by the passenger and to refuse to release the article until the fee has been paid.

Refunds

9. (1) All applications for refunds in respect of tickets issued by an operator shall be made in writing, accompanied by the applicant’s ticket and such other documents as may be reasonably necessary to deal with the application, to the operator.

(2) All applications for refunds in respect of tickets issued by any person other than the operator shall be made to that other person.

(3) An operator may charge a reasonable fee for dealing with any application for a refund.

Removal of obstructions

10. An operator may take any reasonable steps to remove any vehicle or article which is or may become a danger to life, health, the operation and maintenance of a light railway or would otherwise interfere with the proper operation of a light railway.

Restriction on use

11. (1) A passenger reasonably suspected by an authorised person of contravening or attempting to contravene any of these Bye-laws shall leave a light railway as soon as possible if asked to do so by an authorised person.

(2) An operator may on reasonable grounds, by notice in writing to any person, prohibit or restrict that person from using a light railway.



GIVEN under the seal Of the Railway Procurement Agency
Authenticated by Chairperson,
3 February 2012.

FRANK ALLEN,
Chief Executive.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

This Instrument sets out Bye-laws made by the Railway Procurement Agency for the regulation of travel on and the use of a light railway within the meaning of the Transport (Railway Infrastructure) Act 2001 (as amended).

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
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