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STATUTORY INSTRUMENTS

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**2023 No. 834**

**The A303 (Amesbury to Berwick Down)  
Development Consent Order 2023**

**PART 4**

**OPERATIONAL PROVISIONS**

**Byelaws relating to the tunnel area**

**44.**—(1) The undertaker may make byelaws regulating—

- (a) the efficient management and operation of the tunnel area;
- (b) travel in the tunnel area;
- (c) the maintenance of order in the tunnel area;
- (d) the conduct of persons in the tunnel area.

(2) The byelaws contained in Schedule 8 (byelaws) have effect in relation to the tunnel area and continue to have effect until such time as they are amended or revoked by further byelaws made under paragraph (1) and in each case are to be treated as if they are byelaws that have been made by the undertaker under paragraph (1) and confirmed by the Secretary of State on the date this Order comes into force.

(3) Subject to paragraph (4), the provisions of subsection 236(3) to (8), and (11) (procedure, etc., for byelaws) of the Local Government Act 1972(1) apply in relation to byelaws other than those in Schedule 8 made by the undertaker under paragraph (1), as if the undertaker were a local authority for the purposes of subsection 236(1) of the Local Government Act 1972.

(4) The undertaker may make byelaws under paragraph (1) in accordance with the procedure in the Byelaws (Alternative Procedure) (England) Regulations 2016(2) as if those regulations applied to the making and revoking of byelaws under this article.

(5) Byelaws made under this article are enforceable by the undertaker and any authorised person.

(6) A person who breaches a byelaw made under this article commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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(1) 1972 c. 70. Section 236 was amended by section 84 of, and paragraph 31(1) of Schedule 14 to, the Local Government Act 1985 (c. 51), paragraph 34 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20), and section 129(2) of the Local Government and Public Involvement in Health Act 2007 (c. 28). There are other amendments to section 236 which are not relevant to this Order.

(2) S.I. 2016/165.