

**2021 No. 907**

**TRANSPORT AND WORKS, ENGLAND**

**TRANSPORT, ENGLAND**

**The London Luton Airport Passenger Transit System Order  
2021**

*Made* - - - - 26th July 2021

*Coming into force* - - 16th August 2021

An application has been made to the Secretary of State in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006(a) for an Order under sections 1(b) and 5 of the Transport and Works Act 1992(c) (“the 1992 Act”).

The Secretary of State has determined to make an Order giving effect to the proposals comprised in the application with modifications which in the opinion of the Secretary of State do not make any substantial change in the proposals.

Notice of the Secretary of State’s determination was published in the London Gazette on 18th June 2021.

The Secretary of State, in exercise of the powers conferred by sections 1 and 5 of, and paragraphs 1, 8, 9, 12, 13, 15 and 17 of Schedule 1 to, the 1992 Act, makes the following Order—

**PART 1**

**PRELIMINARY**

**Citation and commencement**

**1.** This Order may be cited as the London Luton Airport Passenger Transit System Order 2021 and comes into force on 16th August 2021.

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(a) S.I. 2006/1466, amended by S.I. 2010/439, S.I. 2011/556, S.I. 2011/2085, S.I. 2012/147, S.I. 2012/1658, S.I. 2012/2590, S.I. 2013/755, S.I. 2014/469, S.I. 2015/377, S.I. 2015/627, S.I. 2015/1682, S.I. 2017/979, S.I. 2017/1070 and S.I. 2019/311.  
(b) The application relates to a track-based mode with side guidance, which is a prescribed mode for the purposes of section 1(1)(d) of the 1992 Act as set out in article 2 of the Transport and Works (Guided Transport Modes) Order 1992 (S.I. 1992/3231, amended by S.I. 1997/1951) and is made under section 2 of the 1992 Act.  
(c) 1992 c. 42. Section 1 was amended by paragraphs 51 and 52 of Schedule 2 to the Planning Act 2008 (c. 29). Section 5 was amended by S.I. 2012/1659.

## Interpretation

### 2. In this Order—

“airport” means London Luton Airport;

“authorised person” means, in relation to any purpose, a person authorised for that purpose by LLAL;

“building” includes any structure or erection or any part of a building, structure or erection;

“carriage” means each vehicle used to carry passengers and carried on a track with side guidance and forming part of the passenger transit system;

“Central Terminal” means the central terminal at the airport;

“general travel authority” means any permit, other than a valid ticket, authorising the person in respect of whom it is issued to travel in a carriage;

“LLAL” means London Luton Airport Limited, a private limited company registered in England and Wales under company number 02020381 whose registered office is Hart House Business Centre, Kimpton Road, Luton LU2 0LA;

“London Luton Airport Byelaws” means the byelaws made by London Luton Airport Operations Limited pursuant to sections 63 (airport byelaws) and 64 (byelaws: penalties and power to revoke in certain cases) of the Airports Act 1986(a) and dated November 2005 or such replacement byelaws which apply to the airport;

“Luton Airport Parkway Station” means Luton Airport Parkway railway station;

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace, and “maintenance” is to be construed accordingly;

“passenger” means a person travelling on the passenger transit system;

“passenger transit station” means a passenger transit system station where passengers may purchase tickets for travel on the passenger transit system and enter and alight from carriages;

“passenger transit system” means the mass passenger transit system linking Luton Airport Parkway Station and the Central Terminal as constructed by LLAL including but not limited to—

- (a) the stations, passenger embarkation and disembarkation areas, associated public spaces and pedestrian and vehicular access ways and service roads;
- (b) the track bed, cables, carriages, viaduct, bridge and all other associated plant, equipment, apparatus and facilities; and
- (c) any other associated structure or building;

“penalty fare” means a penalty fare payable pursuant to article 8 (penalty fares);

“the penalty fare provisions” means articles 8 (penalty fares) to 13 (exclusion of double liability); and

“valid ticket” means a ticket lawfully obtained by or on behalf of the person using or attempting to use it and entitling that person to make the journey on the passenger transit system which the person is making or attempting to make.

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(a) 1986 c. 31. Section 63 was amended by S.I. 1996/739.

## PART 2

### OPERATION OF THE PASSENGER TRANSIT SYSTEM

#### **Defence to proceedings in respect of statutory nuisance**

**3.—**(1) Where proceedings are brought under section 82(1) (summary proceedings by persons aggrieved by statutory nuisances) of the Environmental Protection Act 1990(**a**) in relation to a nuisance falling within paragraph (g) of section 79(1) (noise emitted from premises so as to be prejudicial to health or a nuisance) of that Act, no order may be made, and no fine may be imposed, under section 82(2)(**b**) of that Act if the defendant shows that the nuisance is a consequence of the operation or maintenance of the passenger transit system and that it cannot reasonably be avoided.

(2) Nothing in this article is to be construed as excluding a defence of statutory authority otherwise available under or by virtue of any enactment.

#### **Power to charge fares**

**4.—**(1) LLAL may demand, take and recover or waive such charges for carrying passengers on the passenger transit system, or for any other facilities or services provided in connection with the operation of the passenger transit system, as it thinks fit.

(2) LLAL may enter into and carry into effect agreements with other persons providing public passenger transport services, including any franchise operator designated under section 23(1) (passenger services to be subject to franchise agreements) of the Railways Act 1993(**c**), with regard to the issue of tickets and the making of through ticketing arrangements or for the purpose of generally co-ordinating the provision of those services with the operation of the passenger transit system.

(3) In this article “public transport passenger transport services” has the meaning given by section 63(10)(a) of the Transport Act 1985(**d**).

#### **Byelaws relating to the passenger transit system**

**5.—**(1) LLAL may make byelaws regulating—

- (a) the use and operation of, and travel on, the passenger transit system;
- (b) the maintenance of order on the passenger transit system and all passenger transit system premises including stations and approaches to stations; and
- (c) the conduct of all persons while on the passenger transit system or passenger transit system premises including stations and approaches to stations.

(2) In particular, byelaws under this article may make provision with respect to tickets issued for entry to and travel on the passenger transit system, the payment of fares and charges and the evasion of payment of fares and charges.

(3) Byelaws under this article may provide for it to be an offence for a person to contravene, or 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.

(4) Without affecting the taking of proceedings for an offence included in byelaws by virtue of paragraph (3), if the contravention of, or failure to comply with, any byelaw under this article is attended with—

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(a) 1990 c. 43. Section 82(1) was amended by paragraph 6 of Schedule 17 to the Environment Act 1995 (c. 25).  
(b) Section 82(2) was amended by section 5(2) of the Noise and Statutory Nuisance Act 1993 (c. 40) and paragraph 6 of Schedule 17 to the Environment Act 1995.  
(c) 1993 c. 43. Section 23(1) was amended by section 212(1) of the Transport Act 2000 (c. 38) and paragraph 13(1) of Schedule 1 to the Railways Act 2005 (c. 14).  
(d) 1985 c. 67.

- (a) danger or annoyance to the public; or
- (b) hindrance to LLAL in the operation of the passenger transit system,

LLAL may summarily take action to obviate or remove the danger, annoyance or hindrance.

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

(6) At least 28 days before applying for any byelaws to be confirmed under this article, LLAL must publish in such manner as may be approved by the Secretary of State a notice of its intention to apply for the byelaws to be confirmed and of the place at which and the times 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.

(7) For at least 28 days before an application is made under this article for byelaws to be confirmed, a copy of the byelaws must be kept at the principal office of LLAL and must at all reasonable hours be open to public inspection without payment.

(8) LLAL must, at the request of any person, supply that person with a copy of any such byelaws on payment of such reasonable sum as LLAL may determine.

(9) 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 come into operation; and if no date is so fixed the byelaws come into operation after the expiry of 28 days after the date on which they were confirmed.

(10) The Secretary of State may charge LLAL such fees in respect of any byelaws submitted for confirmation under this article as the Secretary of State may consider appropriate for the purpose of defraying any administrative expenses incurred by the Secretary of State in connection with the confirmation of those byelaws.

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

(12) 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 LLAL stating—

- (a) that the byelaws were made by LLAL;
- (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,

is rebuttable evidence of the facts stated in the certificate.

(13) The byelaws set out in the Schedule have effect and are to be treated as, and apply to the passenger transit system until such time as they are amended or revoked by, byelaws made under this article and subsequently confirmed by the Secretary of State.

### **Disapplication of London Luton Airport Byelaws**

6. The London Luton Airport Byelaws do not apply to the passenger transit system.

## PART 3

### PENALTY FARES

#### **Operation of penalty fare provisions**

7.—(1) Any reference in articles 8 (penalty fares), 10 (document to be issued in connection with penalty fare requirement), 12 (supplementary provisions) and 13 (exclusion of double liability) to a passenger producing a valid ticket or general travel authority on being required to do so by an authorised person is a reference to producing, when so required, a valid ticket or general travel authority which, either by itself or together with any other document produced by the passenger at the same time, is valid for the journey made by the passenger.

(2) The penalty fare provisions have effect in relation to travel on any carriage on and after such day as the Secretary of State may specify.

(3) On the application of LLAL, or if the Secretary of State considers on reasonable grounds that LLAL is not complying with the requirements of articles 7 (operation of penalty fare provisions) to 13 (exclusion of double liability), the Secretary of State may provide that the penalty fare provisions cease to have effect on and after such day as the Secretary of State may specify.

(4) Paragraph (3) does not affect the power of the Secretary of State to specify further days on and after which the penalty fare provisions will have effect.

(5) Any day specified by the Secretary of State for the purposes of paragraph (2) or (4) shall be published in a newspaper circulating in the area of Luton Borough Council and Central Bedfordshire Council not later than one week before that date, and in such additional manner as may be approved by the Secretary of State.

(6) No day may be specified under paragraph (2) except at the request of LLAL.

#### **Penalty fares**

8.—(1) If a passenger, on being required to do so by an authorised person, fails to produce a valid ticket or a general travel authority, the passenger is liable to pay a penalty fare if required to do so by an authorised person.

(2) A passenger is not to be liable to pay a penalty fare if, at any time when tickets are generally made available for sale at passenger transit stations, there were no facilities for the sale of the necessary ticket for the passenger's journey at the passenger transit station where, and the time when, the passenger started or ended their journey.

(3) Paragraphs (4) and (5) have effect with respect to the burden of proof, in any action for the recovery of a penalty fare under this article, so far as concerns the question whether the facts of the case fall within paragraph (2).

(4) In any case where the passenger has provided the authorised person with a relevant statement in due time it is for the authorised person to show that the facts of the case do not fall within paragraph (2), and in any other case it is for the passenger to show that the facts of the case fall within that provision.

(5) For the purposes of paragraph (4)—

- (a) a relevant statement is a statement giving an explanation of the passenger's failure to produce a valid ticket or general travel authority, together with any information as to the passenger's journey relevant to that explanation; and
- (b) a statement is provided in due time if it is provided when the passenger is required to produce a valid ticket or general travel authority, or at any later time before the expiration of the period of 21 days beginning with the day following the day on which the journey is completed.

### **Amount of penalty fare**

9.—(1) Subject to paragraph (2), a penalty fare is £25 and is payable to LLAL before the expiration of the period of 21 days beginning with the day following the day on which the journey in respect of which it is payable is completed.

(2) LLAL may from time to time vary the amount of the penalty fare provided that—

- (a) the consent of the Secretary of State is obtained in writing to such a variation; and
- (b) a notice stating the amount of the penalty fare as so varied is published in a newspaper circulating in the area of Luton Borough Council and Central Bedfordshire Council not later than 28 days before the day on which the penalty fare, as so varied, is to take effect, and in such additional manner as may be approved by the Secretary of State.

### **Document to be issued in connection with penalty fare requirement**

10.—(1) An authorised person who requires a passenger to pay a penalty fare must give the passenger—

- (a) a receipt for the payment of the amount of the penalty (where the passenger makes that payment to the authorised person); or
- (b) a notice stating that the requirement has been made.

(2) A receipt or notice given under paragraph (1) is an authority to the passenger to continue their journey on the passenger transit system.

### **Notice of penalty fare provisions**

11.—(1) It is the duty of LLAL to secure that a warning notice meeting the requirements of paragraph (2) is posted—

- (a) at each passenger transit station, in such a position as to be readily visible to prospective passengers; and
- (b) in every carriage, in such a position as to be readily visible to passengers travelling in that carriage.

(2) A warning notice posted pursuant to paragraph (1) must (however expressed) indicate the circumstances (as provided in article 8 (penalty fares)) in which passengers may be liable to pay a penalty fare and state the amount of the penalty fare.

### **Supplementary provisions**

12.—(1) A passenger who is required to pay a penalty fare must, unless the passenger pays immediately the amount of the penalty fare to an authorised person requiring such payment, give to that authorised person, if that person requires the passenger to do so, the name and address of the passenger.

(2) Any passenger failing to comply with paragraph (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(3) Where an authorised person requires any passenger to do anything pursuant to any provision of this Order the authorised person must, if so requested by the passenger concerned, produce to that passenger a duly authenticated document showing evidence of the authorised person's authority.

(4) A requirement by an authorised person is of no effect if, as respects that requirement, the authorised person fails to comply with paragraph (3).

### **Exclusion of double liability**

13.—(1) Where a passenger has become liable to pay a penalty fare in respect of any journey (referred to in this article as “the relevant journey”), no proceedings may be brought against that passenger for the offence specified in paragraph (2) before the end of the period mentioned in

article 9 (amount of penalty fare); and no such proceedings may be brought after the end of that period if—

- (a) the passenger has paid the penalty fare to LLAL before the end of that period; or
- (b) an action has been brought against the passenger for the recovery of that fare.

(2) The offence mentioned in paragraph (1) is any offence under byelaws made under article 5 (byelaws relating to the passenger transit system) involving a failure to obtain or produce a valid ticket or general travel authority for the relevant journey.

(3) If proceedings are brought against any such passenger for any such offence the liability to pay the penalty fare ceases and, if it has been paid, LLAL is liable to repay to the passenger an amount equal to the amount of that penalty fare.

## PART 4

### MISCELLANEOUS PROVISIONS

#### **Power to contract for police services**

**14.**—(1) LLAL may enter into any agreement with a local policing body and its chief officer for the police force maintained by that body to provide policing services for or in connection with the passenger transit system.

(2) Any such agreement may provide for—

- (a) LLAL to make 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) For the purpose of providing policing services under any agreement entered into pursuant to paragraph (1), any constable of a local policing body—

- (a) has all the powers and privileges of a constable on the passenger transit system and throughout Great Britain for a purpose connected to the passenger transit system or to anything occurring on or in relation to the passenger transit system; and
- (b) may enter property which forms part of the passenger transit system—
  - (i) without a warrant;
  - (ii) using reasonable force if necessary; and
  - (iii) whether or not an offence has been committed.

(4) In this article—

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

#### **Powers of disposal, agreements for operation, etc.**

**15.**—(1) LLAL may enter into agreements—

- (a) to transfer, charge or otherwise dispose of any interest of LLAL in the passenger transit system to another person (“the transferee”); or
- (b) to grant to another person (“the lessee”) for a period agreed between LLAL and the lessee any interest of LLAL in the passenger transit system; and

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(a) 1996 c. 16.

(b) 2003 c. 20.

(c) that are connected with or consequential on any agreement entered into under sub-paragraph (a) or (b).

(2) Any agreement referred to in paragraph (1) may, with the consent of the Secretary of State, provide for the transferee, the lessee or another person to exercise or be responsible for any relevant functions, either exclusively or concurrently with LLAL or another person.

(3) Where an agreement has been made under paragraph (1) for the transferee, the lessee or another person to exercise or be responsible for any relevant functions, references in this Order to LLAL include references to the transferee, the lessee or that other person.

(4) The exercise of any relevant functions by any person under any agreement made under paragraph (1) is subject to the same restrictions, liabilities and obligations as would apply under this Order if those functions were exercised by LLAL.

(5) LLAL may provide to any person in any agreement made under paragraph (1), or in connection with or in consequence of any such agreement, such guarantees, indemnities or other forms of security as it considers to be necessary or appropriate.

(6) In this article “relevant functions” means any provision of this Order and of any enactment applied to the passenger transit system by this Order.

(7) The Secretary of State’s consent given under paragraph (2) may be subject to such reasonable terms and conditions as the Secretary of State considers appropriate in the circumstances.

#### **Application of landlord and tenant law**

**16.**—(1) This article applies to—

- (a) any agreement for leasing to any person the whole or any part of the passenger transit system or the right to operate the system; and
- (b) any agreement entered into by LLAL with any person for the maintenance, use or operation of the passenger transit system, or any part of it,

so far as any such agreement relates to the terms on which any land which is the subject of a lease granted by or under that agreement is to be provided for that person’s use.

(2) No enactment or rule of law regulating the rights and obligations of landlords and tenants prejudices the operation of any agreement to which this article applies.

(3) No such enactment or rule of law applies in relation to the rights and obligations of the parties to any lease granted by or under any such agreement so as to—

- (a) exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter;
- (b) confer or impose on any such party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or
- (c) restrict the enforcement (whether by action for damages or otherwise) by any party to the lease of any obligation of any other party under the lease.

Signed by authority of the Secretary of State for Transport

*Rosalind Wall*

Senior Civil Servant, Road Safety Standards and Services  
Department for Transport

26th July 2021



## SCHEDULE

Article 5(13)

### THE LONDON LUTON AIRPORT PASSENGER TRANSIT SYSTEM BYELAWS 2021

The following byelaws have effect under article 5(13) of the London Luton Airport Passenger Transit System Order 2021.

#### PART 1 PRELIMINARY

##### **Citation and commencement**

1. These byelaws may be cited as the London Luton Airport Passenger Transit System Byelaws 2021 and come into force on the later of—

- (a) the beginning of the day when the passenger transit system first opens for use by fare paying passengers; and
- (b) the coming into force of the London Luton Airport Passenger Transit System Order 2021.

##### **Interpretation**

2. In these byelaws unless the context otherwise requires—

“alcohol” has the meaning given to it in section 191 (meaning of “alcohol”) of the Licensing Act 2003(a);

“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 the operator; or
  - (ii) is authorised by the operator; or
- (b) any constable, community support officer or person accredited by or under section 41 (accreditation under community safety accreditation schemes) or 43 (railway safety accreditation scheme) of the Police Reform Act 2002(b), acting in the execution of that person’s duties upon or in connection with the passenger transit system;

“the byelaws” means these byelaws;

“carriage” means each vehicle used for the carriage of passengers carried on a track with side guidance and forming part of the passenger transit system;

“Central Terminal” means the central terminal at the airport;

“compulsory ticket area” means any part of the passenger transit system identified by a notice stating that no person may enter there without being in possession of a valid ticket;

“controlled drugs” has the meaning given to it in section 2 (controlled drugs and their classification) of the Misuse of Drugs Act 1971(c);

“drunk” means being under the influence of alcohol;

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(a) 2003 c. 17. Section 191 was amended by section 135 of the Policing and Crime Act 2017 (c. 3) and S.I. 2006/2407.  
(b) 2002 c. 30. Section 41 was amended by paragraph 42 of Schedule 14 to the Police and Justice Act 2006 (c. 48). Section 43 was amended by paragraph 14 of Schedule 4 to the Police and Justice Act 2006, paragraph 297 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13), paragraph 14(2) of Schedule 23 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), paragraphs 6 and 7 of Schedule 14 to the Policing and Crime Act 2017 and S.I. 2004/1573.  
(c) 1971 c. 38. Section 2 was amended by paragraph 2 of Schedule 17 to the Police Reform and Social Responsibility Act 2011.

“LLAL” means London Luton Airport Limited, a private limited company registered in England and Wales under company number 02020381 whose registered office is Hart House Business Centre, Kimpton Road, Luton LU2 0LA;

“Luton Airport Parkway Station” means Luton Airport Parkway railway station;

“notice” means a notice given by or on behalf of the operator;

“operator” means—

- (a) LLAL; or
- (b) any person or body granted the authority by LLAL to act as operator in relation to any part of the passenger transit system;

“passenger transit station” means a station where passengers may purchase tickets for travel on the passenger transit system and enter and alight from carriages;

“passenger transit system” means the mass passenger transit system linking Luton Airport Parkway Station and the Central Terminal as constructed by LLAL including but not limited to—

- (a) the stations, passenger embarkation and disembarkation areas, associated public spaces and pedestrian and vehicular access ways and service roads;
- (b) the track bed, cables, carriages, viaduct, bridge and all other associated plant, equipment, apparatus and facilities; and
- (c) any other associated structure or building;

“station” means a station, its passenger embarkation and disembarkation areas, associated public spaces and pedestrian and vehicular access ways forming part of the passenger transit system;

“ticket” means a ticket authorising the person to whom it is issued to make the journey on the passenger transit system covered by the ticket; and

“valid ticket” means a ticket lawfully obtained by or on behalf of the person using or attempting to use it and entitling that person to make the journey on the passenger transit system which the person is making or attempting to make.

## PART 2

### CONDUCT AND BEHAVIOUR

#### **Queuing or waiting**

**3.—**(1) The operator or an authorised person may require any person to queue or wait in order to regulate order or safety on or near the passenger transit system.

(2) Any person directed by a notice to queue or wait or asked to queue or wait by an authorised person must join the rear of the queue or wait where told and obey the reasonable instructions of any authorised person regulating the queue.

#### **Dangerous items**

**4.—**(1) A person must not bring, attempt to bring or allow to remain on the passenger transit system any dangerous item.

(2) A dangerous item is an item which, in the reasonable opinion of the operator or an authorised person, may, or may be used to, threaten or annoy any person or soil or damage any property. For the avoidance of doubt, a dangerous item may include, but is not limited to—

- (a) a loaded weapon of any kind;
- (b) any flammable, explosive or corrosive substance; and

- (c) any other item which in the reasonable opinion of the operator or an authorised person is or may become dangerous.

(3) If any person in charge of an item in breach of byelaw 4(1) is asked by an authorised person to remove it and fails to do so at the next available opportunity it may be removed by or under the direction of an authorised person.

### **Smoking**

5. A person must not smoke, vape, use an e-cigarette or carry a lighted cigar, cigarette, lighter, match, pipe or other lighted item on any part of the passenger transit system.

### **Alcohol and controlled drugs**

6.—(1) A person who is unfit as a result of being drunk or under the influence of controlled drugs must not enter, attempt to enter or remain on the passenger transit system.

(2) A person must not—

- (a) enter, attempt to enter or remain on the passenger transit system while in possession of an open container of alcohol; or
- (b) consume alcohol on the passenger transit system,

unless permitted to do so in a particular area by written permission from the operator or an authorised person.

(3) Without prejudice to byelaw 6(2), where notices have been displayed at the stations specifying the dates and times during which alcohol is not permitted on the passenger transit system, a person must not enter or attempt to enter the passenger transit system in possession of alcohol.

(4) Where an authorised person reasonably believes that any person is unfit to enter or remain on the passenger transit system as a result of being drunk or under the influence of controlled drugs, or is in possession of alcohol in contravention of any provision of this byelaw, the authorised person may—

- (a) require that person to leave the passenger transit system at the next available opportunity;
- (b) prevent that person from entering or remaining on the passenger transit system until the authorised person is satisfied that the person is no longer in an unfit condition or in possession of alcohol in contravention of this byelaw; and
- (c) remove any alcohol or controlled drugs.

### **Unfit condition**

7. A person must not enter, attempt to enter or remain on the passenger transit system if, in the reasonable opinion of an authorised person—

- (a) the person is in an unfit or improper condition; or
- (b) the person's clothing may soil or damage any part of the passenger transit system or the property or clothing of any other person on the passenger transit system.

### **Unacceptable behaviour**

8. When on or using the passenger transit system, a person must not—

- (a) use any threatening, abusive, obscene or offensive language;
- (b) behave in a disorderly, indecent or offensive manner;
- (c) write, draw, paint or fix anything on the passenger transit system;
- (d) soil any part of the passenger transit system;
- (e) damage or detach any part of the passenger transit system;

- (f) spit;
- (g) leave litter or waste except in receptacles specifically provided by the operator for those purposes; or
- (h) molest or wilfully interfere with the comfort or convenience of any other person.

**Music, sound, advertising and similar activities**

**9.—(1)** A person on the passenger transit system must not—

- (a) sing; or
- (b) use any instrument, article or equipment for the production or reproduction of sound,

to the annoyance of any person on the passenger transit system except with written permission from the operator or an authorised person.

**(2)** A person on the passenger transit system must not—

- (a) display or distribute anything for the purpose of advertising or publicity;
- (b) sell anything or expose or offer anything for sale; or
- (c) tout for or solicit money, reward, custom or employment of any kind,

except with written permission from the operator or an authorised person.

**(3)** Any person undertaking the activities referred to in byelaws 9(1) or 9(2) with the written permission of the operator or an authorised person must—

- (a) comply with any conditions set out in or attached to the written permission;
- (b) be in possession of that permission; and
- (c) hand it over for inspection when asked to do so by an authorised person.

## PART 3

### EQUIPMENT AND SAFETY

**Stations and other premises on the passenger transit system**

**10.—(1)** Where the entrance to or exit from any part of a passenger transit station is by a staffed or automatic ticket barrier, a person must not enter or leave that part of the station without passing through the barrier in the correct manner except with permission from an authorised person.

**(2)** A person must not open a barrier or any other gate on the passenger transit system except where there is a notice indicating that it is permissible to do so or with permission from an authorised person.

**(3)** Where there is a notice by an entrance or exit on any part of the passenger transit system indicating that it must be used for entrance or exit no person may enter by the exit or leave by the entrance.

**(4)** A person must not enter or leave by an emergency exit except in an emergency or when directed to do so by an authorised person.

**(5)** A person must not move, operate or stop any lift on the passenger transit system 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 intended to be used in an emergency.

**(6)** A person who attempts to breach any of byelaws 10(1) to (5) is liable to the same penalties under the byelaws as is a person who has breached those byelaws.

## **Carriages**

**11.** A person must not—

- (a) enter or attempt to enter a carriage which already contains the maximum permitted number of passengers specified by a notice fixed to the carriage or displayed at the station where the person entered or attempted to enter the carriage;
- (b) throw or drop anything from a carriage;
- (c) open or attempt to open the carriage doors, or enter or leave any carriage, when the carriage is outside the designated boarding and alighting areas within the stations, save in the case of an emergency or as directed by an authorised person;
- (d) enter or leave a carriage except by the proper use of the carriage doors; or
- (e) enter or leave by the carriage doors when they are closing, or force open the doors or obstruct the doors in any way.

## **General safety**

**12.—(1)** A person must not move, operate, obstruct, stop or in any other way interfere with any part of the passenger transit system except—

- (a) where that person uses equipment intended for the use of passengers, in the way it is intended to be used; or
- (b) in an emergency and by means of any equipment on or near which is a notice indicating that it is intended to be used in an emergency.

(2) A person must not place, throw, drop or trail anything on the passenger transit system which is capable of injuring or endangering any person or damaging any property.

(3) A person must not, without reasonable cause, activate any emergency or communications system on any part of the passenger transit system.

## **Safety instructions**

**13.—(1)** A person must not, without reasonable cause, disobey—

- (a) any notice displayed by the operator on the relevant part of the passenger transit system containing reasonable instructions relating to safety on that part of the passenger transit system; or
- (b) any instructions issued by an authorised person in an emergency or in other circumstances in which the authorised person believes it is necessary to do so in the interest of safety.

(2) No offence is committed under the byelaws where a person acts in accordance with a notice or instructions referred to in byelaw 13(1) even if it would otherwise be so under the byelaws.

# **PART 4**

## **CONTROL OF PREMISES**

### **Unauthorised access and loitering**

**14.—(1)** A person must not enter, attempt to enter or remain on—

- (a) any part of the passenger transit system; or
- (b) any land of LLAL in dangerous proximity to the passenger transit system or to any electrical or other apparatus used for or in connection with the operation of the passenger transit system,

where there is a notice prohibiting access, unless invited or directed to do so by an authorised person.

(2) A person must not enter, attempt to enter or remain on any part of the passenger transit system where there is a notice indicating that it is reserved or provided for a specified category of person only, unless that person—

- (a) is within the specified category; or
- (b) is invited or directed to do so by an authorised person.

(3) A person must not—

- (a) loiter on the passenger transit system if asked by an authorised person to leave at the next available opportunity; or
- (b) wilfully obstruct or impede any authorised person in the execution of the authorised person's duty.

(4) Any person below the age of 12 years must not enter, attempt to enter or remain on the passenger transit system unless accompanied by an adult.

### **Causing obstruction with a conveyance**

**15.**—(1) A person in charge of any motorised mobility scooter, bicycle or other conveyance must not—

- (a) use it on any part of the passenger transit system in contravention of any sign; or
- (b) leave or place it in or on the passenger transit system—
  - (i) in such a manner as to cause an obstruction or hindrance to an authorised person, the operator or persons using the passenger transit system; or
  - (ii) otherwise than in accordance with any reasonable direction of an authorised person.

(2) The person in charge of any motorised mobility scooter, bicycle or other conveyance used, left or placed in breach of byelaw 15(1) may be liable to pay a penalty as stated on a notice displayed in the area to which the relevant restrictions apply.

(3) Without prejudice to byelaw 15(2), any conveyance used, left or placed in breach of byelaw 15(1) may be removed or stored by or under the direction of the operator or an authorised person and if it has not been claimed within three months of its removal the operator or authorised person may dispose of the conveyance.

(4) The owner of a conveyance will be liable to the operator or an authorised person for the costs incurred in removing and storing it provided that there is displayed in the area to which the relevant restrictions apply a notice stating that—

- (a) any conveyance used, left or placed contrary to the byelaws may be removed and stored by the operator or an authorised person; and
- (b) the costs incurred by the operator or an authorised person for this may be recovered from the conveyance's owner.

### **Pedestrian-only areas**

**16.**—(1) Any person who enters or is on any part of the passenger transit system to which the public have access must be on foot, except—

- (a) where there is a notice permitting access to that part of the passenger transit system to those with specified conveyances; or
- (b) where the operator or an authorised person has given permission,

and in either case the person must obey any instructions given by the operator or an authorised person.

(2) A person will not be in breach of byelaw 16(1) for properly using a pushchair, pram or wheelchair, except where there is a notice, or instructions have been given by the operator or an authorised person, prohibiting that person from using the pushchair, pram or wheelchair.

### **Control of animals**

**17.—**(1) The operator or an authorised person may refuse entry to any animal which, in the reasonable opinion of the operator or authorised person, may—

- (a) threaten or annoy any other person; or
- (b) soil or damage the passenger transit system.

(2) A person must not bring an animal which has been refused access under byelaw 17(1) onto the passenger transit system.

(3) A person in charge of an animal must—

- (a) not allow it to foul or damage the passenger transit system;
- (b) not leave or place it unattended on any part of the passenger transit system; and
- (c) ensure that it is on a leash or otherwise suitably controlled.

(4) If a person in charge of an animal breaches any of byelaws 17(2) and (3), then that person—

- (a) may be asked by the operator or an authorised person to remove that animal, and if that person fails to do so immediately, then that animal may be removed by or under the direction of the operator or an authorised person;
- (b) will be liable to the operator for the cost incurred by or on behalf of the operator in removing and keeping it; and
- (c) will be liable to the operator for the cost of putting any property soiled or damaged back into its proper condition.

(5) Any liability to the operator under byelaw 17(4) is in addition to any penalty for the breach of byelaws 17(2) to (3).

## **PART 5**

### **TRAVEL AND FARES**

#### **Compulsory ticket areas**

**18.—**(1) A person must not enter a compulsory ticket area on the passenger transit system unless that person has a valid ticket.

(2) A person must hand over a ticket for inspection and verification of validity when asked to do so by an authorised person.

(3) A person is not in breach of byelaw 18(1) or (2) if—

- (a) there were no facilities in working order for the issue of any ticket at the time when and at the station where the journey began;
- (b) there was a notice at the station where the person's journey began permitting journeys to be started without a valid ticket; or
- (c) the operator or an authorised person gave the person permission to travel without a valid ticket.

#### **Altering tickets and use of altered tickets**

**19.—**(1) A person must not alter any ticket in any way with the intent that the operator will be defrauded or prejudiced.

(2) A person must not knowingly use, or knowingly attempt to use, any ticket which has been altered in any way in breach of byelaw 19(1).

#### **Unauthorised buying or selling of tickets**

**20.—**(1) Subject to byelaw 20(2), a person must not—

- (a) sell or buy any ticket;
  - (b) lend, transfer or receive any unused or partly used ticket intending that any person will use it for travelling, unless the conditions of use for the ticket specifically permit such a loan, transfer or receipt; or
  - (c) knowingly use any ticket which has been obtained in breach of this byelaw.
- (2) Byelaw 20(1) does not apply to—
- (a) the sale, transfer or loan by; or
  - (b) the purchase or other receipt from,
- the operator or an authorised person or from an authorised ticket machine.
- (3) A person who attempts to breach byelaw 20(1) is liable to the same penalties under the byelaws as is a person who has breached that byelaw.

### **Fares offences committed on behalf of another person**

- 21.** A person must not—
- (a) buy a ticket on behalf of another person; or
  - (b) transfer or produce a ticket on behalf of another person,
- with the intention of enabling that other person to travel without having paid the correct fare.

## **PART 6**

### **ENFORCEMENT**

### **Name and address**

- 22.**—(1) Any person reasonably suspected by an authorised person of breaching or attempting to breach any of the byelaws must give that person's name and address when requested to do so by an authorised person.
- (2) The authorised person requesting details under byelaw 22(1) must state the nature of the suspected breach of the byelaws in general terms at the time of the request.

### **Compliance with instructions**

- 23.** A person must carry out the instructions of an authorised person where the authorised person is acting within powers given to the authorised person under the byelaws. Where a person fails to carry out the instruction, the person commits an offence under the byelaws.

### **Removal of persons**

- 24.**—(1) Any person who is reasonably believed by an authorised person to be in breach of any of the byelaws must leave the passenger transit system when asked to do so by an authorised person.
- (2) Any person who is reasonably believed by an authorised person to be in breach of any of the byelaws and who fails to leave when asked to do so by an authorised person may be removed from the passenger transit system by an authorised person using reasonable force.
- (3) This right of removal is in addition to the imposition of any penalty for the breach of the byelaws.
- (4) In exercising powers conferred by byelaws 24(1) and (2) the authorised person must state the nature of the breach of the byelaws in general terms prior to exercising the power conferred upon the authorised person.



### **Identification of authorised persons**

**25.**—(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 25(1) must include the name of the authorised person's employer and a means of identifying the authorised person.

### **Offence and level of fines**

**26.** Any person who breaches any of the byelaws commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### **Notices**

**27.** A person is not subject to any penalty for breach of any of the byelaws 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.

### **Breaches by authorised persons**

**28.** An authorised person acting in the course of the duties of the authorised person is not liable for a breach of any of byelaws 4, 6(2) and 6(3), 8(c) and 8(e), 10, 11, 12(1), 14, 15, 16, 17(2) to 17(4) and 18.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order ensures that the mass passenger transit system linking Luton Airport Parkway railway station and the central terminal at London Luton Airport, as constructed by London Luton Airport Limited (referred to in this Order as LLAL), operates effectively. The Order makes provision in connection with the operation of the passenger transit system, provides for fares to be charged for use of the passenger transit system and for the issue of penalty fares and gives effect to byelaws which regulate travel on the passenger transit system.

A copy of the Order may be inspected free of charge during working hours at the offices of London Luton Airport Limited, Hart House Business Centre, Kimpton Road, Luton LU2 0LA.

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