
STATUTORY INSTRUMENTS

2024 No. 630

The Rixton and Warburton Bridge Order 2024

PART 2

OPERATIONAL

Offences and power to make byelaws

3.—(1) MSCC may make and enforce byelaws regulating the use and operation of the Rixton and Warburton Bridge, the maintenance of order on and about the Rixton and Warburton Bridge and the conduct of all persons including employees of MSCC while on and about the Rixton and Warburton Bridge.

(2) Without limiting the scope of paragraph (1), byelaws under this article may make provision—

- (a) with respect to the payment of tolls and the evasion of payment of tolls;
- (b) with respect to requirements for persons in charge of a vehicle that is used on the Rixton and Warburton Bridge to—
 - (i) display a document in that vehicle; or
 - (ii) carry in or fix equipment to that vehicle,and with respect to the failure to do so or the failure to do so in accordance with MSCC's requirements;
- (c) with respect to interference with, or obstruction of, the operation of the Rixton and Warburton Bridge or other facilities provided in connection with the Rixton and Warburton Bridge;
- (d) with respect to the prevention of nuisances on the Rixton and Warburton Bridge;
- (e) with respect to the safeguarding of the operation, navigation and use of the Canal arising from the operation of the Rixton and Warburton Bridge;
- (f) for the recovery, safe custody and re-delivery or disposal of any property or vehicles left on the Rixton and Warburton Bridge and for fixing the charges made in respect of any such property or vehicles;
- (g) to prohibit vehicles from stopping or remaining at rest in prescribed places on the bridge road or elsewhere in or about the Rixton and Warburton Bridge, except in prescribed circumstances;
- (h) to require any person in charge of a vehicle which is at rest by reason of breakdown in a prescribed place on the bridge road to take prescribed steps for reporting that fact and the position and circumstances in which the vehicle is at rest;
- (i) to prohibit any person, other than a constable or an appointed person—
 - (i) from carrying out, or attempting to carry out, a repair, adjustment or refuelling of a vehicle to which a byelaw-making provision under sub-paragraph (g) applies, except with permission expressly given by a constable or an appointed person; and

- (ii) from moving, or attempting to move, such a vehicle from the position in which it is at rest;
 - (j) to empower a constable or an appointed person to remove from its position to a prescribed area a vehicle which is for the time being at rest in a prescribed place on the bridge road—
 - (i) in contravention of the byelaws;
 - (ii) by reason of breakdown;
 - (iii) without any person being in charge of it; or
 - (iv) with the person in charge of it not being present in or on it;
 - (k) in the case of a vehicle which is so removed or which at the request of the person in charge of it is repaired, adjusted or refuelled (instead of being removed) by an appointed person, to require the prescribed person to pay a charge of an amount to be determined in accordance with such scales and other provisions as may be prescribed;
 - (l) to prohibit a person from obstructing any action taken by a constable or an appointed person for the purpose of removing a vehicle in accordance with the byelaws;
 - (m) to ensure the safety of vehicles passing over the Rixton and Warburton Bridge;
 - (n) to regulate the traffic on the Rixton and Warburton Bridge; and
 - (o) to restrict and regulate the passage of dangerous goods or traffic on the Rixton and Warburton Bridge.
- (3) Byelaws under this article may—
- (a) designate places on the Rixton and Warburton Bridge at which tolls (other than tolls with respect to which a prepayment has been made) are to be paid or become due to be paid;
 - (b) make provision as to the persons by whom, and the manner in which, such tolls or other charges are to be paid;
 - (c) make provision for securing that vehicles in respect of which tolls are payable do not use the Rixton and Warburton Bridge without payment of the tolls; and
 - (d) make provision for preventing a vehicle which—
 - (i) having used the Rixton and Warburton Bridge; or
 - (ii) being about to use the Rixton and Warburton Bridge,has arrived at the place at which a toll is payable in respect of it from proceeding beyond that place without a toll having been paid.
- (4) Byelaws made under this article may provide for a notice specifying—
- (a) the categories of vehicles in respect of which tolls are payable; and
 - (b) the amount of the tolls in respect of each category,
- to be displayed at each place designated in accordance with paragraph (3)(a).
- (5) 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.
- (6) Without prejudice to paragraph (5), where MSCC considers it expedient to do so it may prosecute legal proceedings in respect of offences under this Order.
- (7) Without prejudice to paragraph (5), a person who without reasonable excuse—
- (a) refuses or fails to pay a toll for which that person is liable; or
 - (b) attempts to evade payment of such a toll,

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

(8) Without prejudice to the taking of proceedings for an offence included in byelaws by virtue of paragraph (5), if the contravention of, or failure to comply with, any byelaw under this article is attended with danger or annoyance to the public or MSCC or hindrance to MSCC in the operation of the Rixton and Warburton Bridge or safety of the operation and navigation of the Canal, MSCC may summarily take action to obviate or remove the danger, annoyance or hindrance.

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

(10) At least 28 days before applying for any byelaws to be confirmed under this article, MSCC 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 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.

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

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

(13) The Secretary of State may charge MSCC 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 such confirmation.

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

(15) 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 MSCC stating—

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

will be rebuttable evidence of the facts stated in the certificate.

(16) The provisions of Part 1 of the Road Traffic Offenders Act 1988⁽¹⁾ in relation to evidence will apply to the prosecution of offences under this provision.

(17) Byelaws made under this article may be varied or revoked by subsequent byelaws and byelaws made under this article may also vary or revoke any byelaws made under any other provision in respect of the Rixton and Warburton Bridge at any time.

(18) The byelaws in Schedule 4 (the Rixton and Warburton Bridge Byelaws 2024)—

- (a) are to be treated as byelaws made by MSCC under paragraph (1) and subsequently confirmed by the Secretary of State on the date this Order comes into force; and
- (b) continue to have effect until such time as they are amended or revoked by further byelaws made under paragraph (1).

(1) 1988 c. 53.

(19) In this article—

“appointed person” means a person appointed by MSCC who may only act as such when wearing a uniform of a description approved by MSCC;

“breakdown”, in relation to a vehicle, includes mechanical defect, lack of fuel, oil or water required for the vehicle, and any other circumstances in which a person in charge of the vehicle could not immediately, safely and without damage to the vehicle or its accessories, drive it under its own power away from the Rixton and Warburton Bridge; and

“prescribed” means prescribed by byelaws made under this Order.