

Draft

STATUTORY INSTRUMENTS

S.I. No [] of 2017

The National Transport Authority (Public Passenger Transport Service) Bye-laws 2017

THE NATIONAL TRANSPORT AUTHORITY
(PUBLIC PASSENGER TRANSPORT SERVICES) BYE-LAWS 2017

The National Transport Authority, having obtained the prior written consent of the Minister for Transport Tourism and Sport in accordance with section 56A(8) of the Dublin Transport Authority Act 2008 (No. 15 of 2008) to the making of these Bye-laws, in exercise of the powers conferred on it by section 56A of the Dublin Transport Authority Act 2008, hereby makes the following Bye-laws.

CITATION AND COMMENCEMENT

1. (1) These Bye-laws may be cited as the National Transport Authority (Public Passenger Transport Services) Bye-laws 2017.
- (2) [*These Bye-laws shall come into operation on [insert date].*]
- (3) These Bye-laws apply to all public bus services or ancillary public passenger transport services secured by the National Transport Authority pursuant to Section 48 or Section 52 of the Dublin Transport Authority Act 2008 (No. 15 of 2008) except for those awarded pursuant to Section 52 of the Dublin Transport Authority Act 2008 as direct award contracts to Bus Éireann – Irish Bus and Bus Átha Cliath.

INTERPRETATION

2. (1) In these Bye-laws -

“appropriate fare” means such charges as may be fixed by the Authority and published from time to time by the operator for the conveyance of passengers and their baggage;

“authorised person” means any person appointed and acting as an authorised person in accordance with Section 56B of the Dublin Transport Authority Act 2008 (No. 15 of 2008);

“baggage” means an item of luggage accompanied by a passenger on a vehicle or carried on behalf of a passenger in the luggage compartment of a vehicle;

“bus stop” means a designated stopping place (whether or not indicated by a sign erected by or on behalf of the operator or the National Transport Authority) at which passengers may board or alight from a vehicle;

“controlled drug” has the same meaning as it has in section 2 of the Misuse of Drugs Act 1977 (No. 12 of 1977);

“intoxication” means being under the intoxicating influence of any alcoholic drink, controlled drug, solvent or any other substance or combination of substances;

“large public service vehicle” has the same meaning as it has in section 3 of the Road Traffic Act 1961 (No. 24 of 1961);

“Leap card” means a ticket that stores travel value electronically and is issued in connection with an integrated ticketing scheme made under the Dublin Transport Authority Act 2008;

“operator” means any of the National Transport Authority and such other person with whom the Authority, from time to time, has made arrangements under Section 48 or Section 52, as applicable, of the Dublin Transport Authority Act 2008 to provide a public bus service or ancillary public passenger transport service other than Bus Éireann – Irish Bus or Bus Átha Cliath to the extent either is providing public bus services pursuant to a direct award contracts entered into pursuant to Section 52 of the Dublin Transport Authority Act 2008;

“passenger” means a person (excluding a responsible person) travelling on a vehicle and includes an intending passenger;

“pay”, in relation to a fare, includes validate by prepaid Leap card in accordance with Bye-law 19;

“responsible person” means any officer, employee or agent of an operator acting in the course of his or her duty upon or in connection with the provision of passenger services, any authorised person or a member of the Garda Síochána whose attendance is requested by a responsible person or an authorised person;

“standard fare” means a fixed payment payable to the Authority pursuant to Section 56D of the Dublin Transport Authority Act 2008 and is €100;

“ticket” means any ticket, document or electronic method of storing travel value issued for the conveyance of a passenger by the operator, a sub-contractor on behalf of the operator, an

associate of the operator in the provision of jointly operated services and includes in particular, but without prejudice to the generality of the foregoing, a Leap card, Tax saver tickets, commuter ticket, free travel pass, privilege ticket, or any warrant, identity card, voucher, electronic voucher or other similar authority in exchange for, or on production of which, a ticket for the conveyance of a passenger may be issued;

“valid ticket” means a ticket which complies with these Bye-laws and for which an appropriate fare has been paid in respect of the journey to be made;

“vehicle” means a large public service vehicle which is in use by the operator or a large public service vehicle on hire to, and being used by, the operator, in either case, in the provision of public bus services or ancillary public passenger transport services.

(2) A reference to a vehicle shall, where applicable, be read as a reference to a vehicle operated for and on behalf of the operator by an authorised agent or sub-contractor irrespective of whether such vehicle is specifically so identified.

BOARDING AND ALIGHTING FROM A VEHICLE

3. A person shall not -
- (a) use any entrance on a vehicle for any purpose other than boarding the vehicle,
 - (b) use any exit on a vehicle for any purpose other than alighting from the vehicle, or

(c) use any emergency exit on a vehicle for any purpose other than alighting from the vehicle in an emergency, save for the purpose of boarding or alighting from the vehicle if so directed or otherwise allowed by a responsible person.

4. A person shall not (with the exception of a responsible person) open the door of a vehicle except in the event of an accident or emergency.

5. A person (with the exception of a responsible person) shall not stand, or attempt to stand, on the steps of a vehicle while it is in motion.

6. A person (with the exception of a responsible person) shall not board or alight from, or attempt to board or alight from, a vehicle while it is in motion or between stops.

7. A person shall not attempt to board, or alight from, a vehicle after the doors have commenced closing.

8. A person shall not board or alight from, or attempt to board or alight from, a vehicle when a wheelchair ramp is being extended or retracted.

9. A person shall not interfere with the operation of a wheelchair lift.

10. Where notices are exhibited on a vehicle indicating that a door of the vehicle is to be used for entrance and another door of the vehicle for exit a person shall not (except in the case of an accident or other emergency or with the consent of a responsible person) -

- (a) alight, or attempt to alight, from the vehicle by the door indicated for entrance, or
- (b) board, or attempt to board, the vehicle by the door indicated for exit.

11. When a vehicle contains the full permitted number of passengers no additional passenger shall board or remain on the vehicle and any such additional passenger shall leave the vehicle at the request of a responsible person.

12. (1) Each person shall queue at a bus stop in an orderly manner.

(2) Where a responsible person is regulating the boarding and alighting from a vehicle each person shall on arrival at a bus stop take up the position at the rear of the appropriate queue, move forward in an orderly and regular manner and obey the reasonable instructions of the responsible person regulating the queue and in the absence of such responsible person obey any notices displayed at the bus stop.

(3) Where a wheelchair passenger at a bus stop has indicated that they wish to board the bus, they shall board the bus before other passengers.

(4) Where a wheelchair passenger has boarded the bus, the wheelchair space shall be vacated by all standing passengers to allow the wheelchair user to be safely located on the bus.

13. (1) The operator (or a responsible person on its behalf) has the right to refuse entry to, or to remove from a vehicle being used by the operator any passenger or other

person who in the opinion of a driver or a responsible person is, or appears to be, in breach of any of these Bye-laws.

(2) Where a passenger or other person is refused entry to or removed from a vehicle being used by the operator under paragraph (1) -

- (a) that passenger or person shall not be entitled to any refund or compensation from the operator (or, if different, the National Transport Authority), and
- (b) neither the operator nor, if different, the National Transport Authority, shall have any liability to that passenger or other person in respect of the refusal or removal, as the case may be.

FARES AND TICKETS

- 14. Each passenger shall be in possession of a current valid ticket entitling them to travel.
- 15. Each passenger shall produce, when requested to do so by a responsible person, his or her valid ticket for all travel between his or her boarding point and his or her alighting point.
- 16. Each passenger travelling with a ticket on which a photograph is required shall ensure that such photograph is correctly displayed at all times.
- 17. Where a passenger claims to be entitled to travel at a concessionary rate the passenger shall produce evidence of his or her eligibility for travel at the rate claimed.

18. When boarding a vehicle operated by a driver each passenger shall -

- (a) inform the driver of his or her intended destination,
- (b) pay (except where the passenger is already in possession of a valid ticket) the appropriate fare and ensure that he or she has been issued with a valid ticket and retain such ticket, and
- (c) produce his or her ticket for inspection by a responsible person whenever so requested by such person and inform the responsible person of the journey that he or she has made or intends to make and the place at which he or she boarded the vehicle.

19. (1) When boarding a vehicle adapted for automatic fare collection each passenger shall (except where the passenger is already in possession of a valid ticket) pay the appropriate fare for the journey he or she intends to make -

- (a) by inserting in any fare collection equipment provided in or about the vehicle the money or token required to pay the appropriate fare for his or her carriage and ensure that he or she has been issued with a valid ticket and retain such ticket, or
- (b) by validating a pre-paid Leap card by contact with the Leap card reader target.

(2) A passenger under paragraph (1) shall produce his or her ticket for inspection by a responsible person whenever so requested by such person and inform the responsible person of the place at which he or she boarded the vehicle and the journey he or she has made or intends to make.

20. The operator may specify special procedures which shall apply to validate certain types of tickets and where such special procedures exist each passenger shall comply with those procedures in accordance with instructions published by the operator.

21. (1) Each passenger, who is not in possession of a valid ticket, upon boarding a vehicle shall become liable to pay, and shall pay, a standard fare.

(2) Where any person is found by a responsible person without a valid ticket on a vehicle the person shall, at the request of the responsible person, pay the standard fare to the Authority within a period of 21 days from the date of the request and such fare shall be recoverable by the operator from the person as a simple contract debt in any court of competent jurisdiction.

22. A passenger shall not forge, alter, deface, mutilate or destroy a ticket.

23. A passenger shall not use or attempt to use a ticket which has been forged, altered, defaced or mutilated.

24. A person shall not transfer, tender or deliver a ticket to another person in order to enable that other person to travel on a vehicle without paying the appropriate fare.

25. A passenger shall not use or attempt to use a ticket which has been issued for use by another person and is not transferable.

26. A passenger shall not use or attempt to use a ticket which is invalid by reason of its previous use or the expiry of the time specified for its use.

27. A ticket shall remain the property of the operator that issued it and a passenger or person shall surrender a ticket when required to do so by a responsible person.

BEHAVIOUR TOWARDS RESPONSIBLE PERSONS.

28. A person at a bus stop or on a vehicle shall not wilfully obstruct, impede or interfere with a responsible person.

29. While a vehicle is in motion a person shall not talk to the driver of the vehicle, obstruct his or her vision or otherwise distract his or her attention without reasonable cause.

30. (1) A person shall not by signal or other indication cause the driver of a vehicle to stop the vehicle except for the purpose of enabling that person to board, or to alight from, the vehicle at a bus stop.

(2) A person shall not give any signal or other indication which might reasonably be interpreted by the driver of a vehicle as a signal to stop the vehicle in an emergency except in the case of an accident or an emergency.

INTERFERENCE WITH VEHICLES

31. A person shall not touch or interfere with the engine, steering gear or any part of the controlling mechanisms of a vehicle.
32. A person shall not touch or interfere with the ticketing apparatus or any part of the ticketing mechanism of a vehicle except for the purpose of validating a ticket.
33. A person shall not wilfully soil a vehicle or any part of a vehicle.
34. A person shall not break, cut, scratch, tear, soil, deface or damage any fittings, furniture, decorations, equipment, notice, advertisement, number, figure or letter on a vehicle or remove or detach any such article or thing.
35. A person shall not deface or damage any part of a vehicle or any property on a vehicle.
36. A person whose clothing or accessories are in a condition that could reasonably be regarded as offensive to other passengers, or likely to soil or injure the linings or cushions of the seats of a vehicle or the clothing or baggage of any passenger shall not board or remain in any vehicle unless authorised to do so by a responsible person.

PROHIBITED ITEMS

37. (1) A person shall not take, or cause to be taken, on to any vehicle if requested not to do so by a responsible person any bird, animal, article or thing which by reason of its

nature is in the opinion of the responsible person likely to cause annoyance or damage to any passenger or damage to any property.

(2) Notwithstanding paragraph (1) a person may take, or cause to be taken, on to any vehicle a guide dog or other assistance dog accompanying a person with disabilities.

38. A person (except a member of the Defence Forces or the Garda Síochána acting in the course of his or her duty) shall not take, or cause to be taken, on to a vehicle a weapon of any kind or any inflammable explosive or corrosive gas, spirit or substance.

39. A person shall not take, or cause to be taken, on to a vehicle any article or thing, including alcohol, that is or may become dangerous, or that could reasonably be regarded as offensive, to any person or property.

40. A person shall not take or, cause to be taken, on to a vehicle any controlled drug.

41. Where a person who contravenes any of Bye-law 37(1), 38, 39 or 40 fails to remove from the vehicle immediately, upon a request by a responsible person, any article or thing to which that Bye-law relates that article or thing may be removed by, or at the direction of, a responsible person.

PASSENGER BEHAVIOUR

42. Each passenger shall comply with a lawful notice or direction given to him or her by a responsible person or that applies to him or her, including a request to leave, or not to board, a vehicle.
43. A passenger shall not travel -
- (a) on the upper deck of a double deck vehicle unless he or she occupies a seat provided for that purpose,
 - (b) on the stairways of a vehicle, or
 - (c) on any part of a vehicle which is not provided for the conveyance of passengers.
44. A person who, in the opinion of a responsible person, is in a state of intoxication or otherwise in an unfit or improper condition shall not board, attempt to board or remain on a vehicle.
45. A passenger shall not place his or her feet on a seat except with the permission of a responsible person.
46. A passenger shall not consume alcoholic drinks, hot beverages or hot food on a vehicle.

47. A passenger shall not be in possession of any open bottle, or container, of intoxicating liquor.
48. A passenger shall not take any controlled drug while on a vehicle.
49. A passenger shall not spit in or from a vehicle.
50. A passenger shall not smoke or carry a lighted pipe, cigarette, cigar or electronic cigarette in a vehicle or part of a vehicle.
51. A passenger shall not throw or deposit any litter, lighted match, cigarette, cigar, chewing gum or other substance on a vehicle except into a receptacle expressly provided for that purpose.
52. A person shall not throw or trail from a vehicle or throw at a vehicle any article or thing.
53. A passenger shall not remain on a vehicle after having been requested by a responsible person to depart the vehicle.
54. A person shall not distribute a document on a vehicle for the purpose of giving or seeking information except with the consent of a responsible person.
55. A person shall not tout, ply for or solicit alms, reward, custom or employment of any description on a vehicle.
56. A person shall not sell, or expose or offer for sale, any article or goods on a vehicle.

57. (1) A passenger shall not sing, perform on a musical or other instrument or use an audible radio, television, record player, tape recorder or portable apparatus on a vehicle.

(2) A passenger shall not use a personal stereo, mobile phone or similar device so as to be a source of annoyance to other passengers on a vehicle.

58. A person shall not molest or interfere with the comfort or convenience of any passenger or person in or about a vehicle.

59. A passenger shall not use threatening, abusive or offensive language or make any threatening, abusive or offensive gesture.

60. A person shall not behave in a riotous, disorderly, indecent or offensive manner in or about a vehicle.

61. A person shall deliver up to a responsible person any article of lost property found by him or her on a vehicle.

PREVENTION OF COMMISSION OF NUISANCES IN OR UPON PREMISES

OCCUPIED BY THE OPERATOR

62. (1) A person shall not commit a nuisance in, upon or about a vehicle or any other means of transport services which is being or is to be used by an operator or in any way interfere with such vehicle or means of transport services.

(2) A person shall not damage any vehicle or any other means of transport services which is being or is to be used by an operator.

PENAL PROVISIONS

63. Each of these Bye-laws except this Bye-Law and Bye-Laws 1, 13, 21(2) and 41 shall be a penal provision for the purposes of section 56A(9) of the Dublin Transport Authority Act 2008.

GIVEN under the Seal of the

NATIONAL TRANSPORT AUTHORITY

[insert date]

Chairperson, National Transport Authority