

TYNE TUNNELS
BYELAWS 2020

BYELAWS MADE BY THE NORTH EAST COMBINED AUTHORITY IN PURSUANCE OF THE TRANSPORT AND WORKS ACT 1992 AND THE RIVER TYNE (TUNNELS) ORDER 2005. THESE BYELAWS MAY BE CITED AS THE TYNE TUNNELS BYELAWS 2020

I. INTERPRETATION – In these Byelaws:

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| '2005 Order' | means the River Tyne (Tunnels) Order 2005; |
| 'ADR' | means the European Agreement concerning the International Carriage of Dangerous Goods by Road; |
| 'the Authority' | means the North East Combined Authority, acting on behalf of the North East Joint Transport Committee; |
| 'the cyclist and pedestrian tunnels' | means and includes the two tunnels for use by cyclists and pedestrians constructed under the River Tyne between Jarrow and Howdon aforesaid in accordance with the Tyne Tunnel Act 1946 together with the access passages, escalators, lifts, buildings, approach paths and steps and other works or land used or connected therewith as shown hatched blue on the attached plan; |
| 'domestic animal' | means a dog or a cat or another household pet; |
| 'driver' | where a separate person acts as steersman of a motor vehicle, includes that person as well as any other person engaged in the driving of the vehicle and 'drive' and 'driving' shall be construed accordingly; |
| 'flammable liquid' | means any liquid having a flash point of not more than 55 degrees Celsius; |
| 'Free flow charging' | means the collection of tolls other than through causing vehicles to stop and pay a toll at the toll plaza; |
| 'member of the tunnel staff' | includes any person employed by the Authority or its agents and engaged in the administration, operation, supervision, maintenance or repair of the tunnels; |
| 'the North East Combined Authority' | means the Durham, Gateshead, South Tyneside and Sunderland Combined Authority; |
| 'the North East Joint Transport Committee' | means the joint committee established by the North East Combined Authority and the North of Tyne Combined Authority in accordance with Article 8 of the Newcastle upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018; |
| 'the North of Tyne Combined Authority' | means the Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority; |
| 'Schedule of Charge' | means a ticket provided to a driver of a vehicle that presents at the toll plaza without the means of payment of a toll that authorises passage through the vehicular tunnels and requires payment of the relevant toll no later than the end of the day following the date of passage of that vehicle through the vehicular tunnels; |

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| 'toll plaza' | means that part of the tunnel approaches at the north end of the tunnels dedicated to the provision of tolling booths and/or automatic number plate recognition cameras installed to facilitate free flow charging of vehicles passing through the vehicular tunnels; |
| 'registered keeper' | means the person registered as the owner of a vehicle under section 21 of the Vehicle Excise and Registration Act 1994 ¹ ; |
| 'the tunnel' | means one of the vehicular tunnels or the cyclist tunnel or the pedestrian tunnel; |
| 'the tunnel approaches' | means and includes approach roads and new streets constructed pursuant to the Tyne Tunnel Acts 1946 to 1960 and the 2005 Order except the portions thereof which are included in and form part of the tunnel, as shown edged black and shaded grey on the attached plan; |
| 'the tunnel area' | means and includes the tunnels and the tunnels approaches; |
| 'the Tunnel Manager' | means the Tunnel Manager appointed by the Authority or any person authorised by him under byelaw 6 to exercise any function or functions on his behalf; |
| 'the tunnels' | means and includes the vehicular tunnels, the cyclist and pedestrian tunnels, the tunnel approaches, the landscaped areas adjacent thereto and the administration precinct and adjoining car park as shown edged green on the attached plan; |
| 'tunnels officer' | means and includes the Tunnel Manager and any officer or servant or agent of the Authority authorised by the Tunnel Manager to carry out duties in relation to the regulation, direction and control of traffic in the tunnels; |
| 'trailer' | means any vehicle designed or adapted to be towed by another; |
| 'unpaid toll charges' | means a toll and charges payable under or by virtue of article 42(3) and (5) of the 2005 Order and applied to a vehicle in accordance with byelaw 54; |
| 'vehicle' | means a mechanically propelled vehicle intended or adapted for use on roads including a trailer; |
| 'the vehicular tunnels' | means and includes the two tunnels for vehicular traffic with tunnel approaches at each end constructed under the River Tyne between Jarrow and Howdon in the county of Tyne and Wear and described as Work No. 2 in the Tyne Tunnel Act 1960 and as the New Tunnel in the 2005 Order, together with the buildings, works and land used or connected therewith, as shown hatched red on the attached plan. |

2. In byelaw 28 the expression 'duly authenticated document' means a document signed by the Monitoring Officer of the Authority or the Deputy Monitoring Officer and Legal Adviser or other person duly authorised by them in that behalf.
3. Unless the context otherwise requires:
 - (a) words importing the singular number shall include the plural and vice versa;
 - (b) words importing any particular gender shall include all other genders; and
 - (c) any reference in these byelaws to any statute or statutory provision shall be construed as referring to that statute or statutory provision as it may from time to time be amended

¹ 1994 c.22

modified extended re-enacted or replaced (whether before or after the date of this byelaw) and including all subordinate legislation from time to time made under it.

4. The Interpretation Act 1978 shall apply to the interpretation of these byelaws as it applies to the interpretation of an Act of Parliament.
5. Nothing in these byelaws shall apply so as to restrict the execution of duties or the carrying out of works or services in the tunnels by any officers or servants of the Authority or by any duly authorised agents or contractors of the Authority or by any police officer or fire officer.
6. For the purposes of exercising each of any of the functions conferred on him by these byelaws the Tunnel Manager may in his discretion authorise in writing such members of the tunnel staff as he may think fit to exercise such function or functions on his behalf.

II REGULATION OF TRAFFIC IN VEHICULAR TUNNELS

7. No person shall use the vehicular tunnels except for the purpose of travelling on or in a vehicle from the tunnel approaches on one side of the River Tyne to the tunnel approaches on the other side of that river.
8. The driver of a vehicle in the tunnel area shall comply with all signals and instructions given by a tunnels officer.
9. The driver of a vehicle in the vehicular tunnels shall keep to the centre of the lane as delineated by road markings, unless directed otherwise by the displayed road signs or a tunnels officer.
10.
 - (a) The maximum speed for a vehicle in the vehicular tunnels, shall be that which is indicated by the displayed road signs, and subject to paragraph (b) hereof, the minimum speed shall be 15 miles per hour except where prevented by other vehicles or at the toll booths and other places where stops or a lower speed are unavoidable or are permitted or directed by a tunnels officer.
 - (b) No person shall drive into the vehicular tunnels, except in accordance with such directions as shall be given to him by the Tunnel Manager, any vehicle which is incapable of maintaining a speed of 15 miles per hour.
11. Subject to the provisions of byelaws 27 and 28 the driver of a vehicle using the vehicular tunnels shall except in compliance with traffic signals or orders given by the tunnels officers, or unless prevented by traffic or other unavoidable cause:
 - (a) if approaching the tunnel from the north proceed without stopping and leave the tunnel at the opposite end from which he entered it, or
 - (b) if approaching the tunnel from the south proceed without stopping and leave the tunnel at the opposite end from which he entered it.
12. Except and subject as provided in byelaws 8 and 9, the driver of a vehicle in the tunnel or on the tunnel approaches shall proceed along the carriageway without stopping except to stop in a lay-by provided for emergency, inspection or breakdown so long as the vehicle stops for one of those purposes or if instructed to do so by a tunnels officer.
13. The driver of a vehicle in the tunnel shall not unless authorised by a tunnels officer or by the displayed road signs cause his vehicle to cross the lines or marks separating traffic lanes.
14. The driver of a vehicle in the vehicular tunnels shall maintain a safe and prudent distance between his own vehicle and the one immediately in front of it.

15. A vehicle may be towed into the vehicular tunnels provided it is secured by means of towing equipment which is sufficient for the purpose and provided the vehicle and towing equipment have been examined and approved by a tunnels officer.
16. No person shall drive into the vehicular tunnels any vehicle which is not provided with sufficient petrol or other fuel and mechanical power to ensure that it maintains the minimum speed specified in these byelaws and is able to traverse the tunnel and the tunnel approaches.
17. The driver of a vehicle in the vehicular tunnels shall use dimmed headlights at all times and shall not use any forward facing lamp other than dimmed headlights or sidelights.
18. No person shall refuel any vehicle in the vehicular tunnels.
19. No person shall except with the permission of a tunnels officer undertake any repairs to a vehicle or change a tyre or wheel of a vehicle in the vehicular tunnels.
20. If the driver of a vehicle in the tunnel area refuses to move the vehicle when ordered to do so by a tunnels officer or if a vehicle in the tunnel area is unable to proceed because of a breakdown it shall be lawful for it to be removed at the cost and expense of the owner or person in charge of the vehicle by members of the tunnel staff to a place in the tunnel area directed by the Tunnels Manager and no person shall obstruct any such member or members of the tunnels staff in carrying out such removal.
21. Any driver of a vehicle overtaken by sudden illness or incapacity of such a nature as to impair or impede his ability to drive or control the vehicle shall not drive the vehicle into the vehicular tunnels and if the driver of a vehicle is overtaken by such illness or incapacity when in the vehicular tunnels he shall stop his vehicle at once and remain in the vehicle and await the assistance of a person legally entitled to drive or remove the said vehicle.

III FIRE PRECAUTIONS

22. No person in the vehicular tunnels or the cyclist and pedestrian tunnels shall:
 - (a) smoke or carry a lighted pipe, cigar or cigarette;
 - (b) ignite any match or lighter or expose any flame;
 - (c) smoke in any vehicle awaiting escort or under escort through the tunnel.
23. In the event of a fire occurring in the tunnels, no person shall obstruct any member of the tunnel staff or the fire brigade in his efforts to extinguish it.
24. The use in the tunnels of any fire extinguishers other than those provided by the Authority, or Fire Services is prohibited. Provided that nothing in this byelaw shall prevent the driver of a vehicle or any passenger therein using any fire extinguisher carried on that vehicle to extinguish the fire.
25. No person shall drive into the tunnels any vehicle containing hay, straw or other similar combustible material unless the same be secured and covered to the satisfaction of the Tunnel Manager.
26. For the purpose of enforcing and satisfying the requirements of byelaws 25 to 30 inclusive all commercial vans, heavy goods vehicles, caravans, LPG vehicles and towed vehicles must stop at the examination lay-bys as delineated by road markings and signage when required by a tunnels officer for examination and inspection by a duly authorised tunnels officer prior to entry into the vehicular tunnels.

IV. DANGEROUS TRAFFIC

27. (1) No person shall, except with the consent of the Tunnel Manager, take or cause or permit to be taken into the vehicular tunnels any vehicle carrying any goods, substances or articles of a dangerous nature including the substances or articles

identified in the current edition of the ADR or any replacement thereof and including (but without prejudice to the generality of the foregoing):

- (a) any flammable liquid;
 - (b) corrosive substance;
 - (c) compressed gases (whether permanent or liquefiable) in cylinders;
 - (d) empty compressed gas cylinders;
 - (e) loaded firearms or any explosives within the meaning of the Explosives Acts 1875 and 1923 or any Order in Council made thereunder, or any explosive substance as defined by the Explosives Substances Act 1883;
 - (f) petroleum or petroleum-spirit within the meaning of the Petroleum (Consolidation) Act 1928, the Road Traffic (Carriage of Explosives) Regulations 1989 or any Order in Council made thereunder (other than petroleum or oil carried by a vehicle for use only in connection with the propulsion of that vehicle);
 - (g) any empty petrol tank or empty drum or other tank wagons which have contained any flammable liquid or materials.
- (2) The consignor of any goods, substances or articles referred to in paragraph (1) of this byelaw shall give or cause to be given to the Tunnel Manager on demand a written declaration as to the nature and quantity of such goods, substances or articles, and the person in charge of any empty petrol tank or empty drum or other tank wagon shall give or cause to be given to the Tunnel Manager a written declaration on demand as to the nature of the substance or substances last carried in such wagon and petrol drum.
- (3) The consent of the Tunnel Manager under paragraph (1) of this byelaw, if granted, shall be subject to the following conditions, namely:
- (a) no person shall drive into the vehicular tunnels any vehicle to which paragraph (1) of this byelaw applies except with such escort of tunnels officers as may be directed or required by the Tunnel Manager and the driver of every such vehicle shall take and comply with such precautionary measures as the Tunnel Manager shall consider to be expedient;
 - (b) any driver of a vehicle to which paragraph (1) of this byelaw applies not accompanied by a person legally entitled to drive the said vehicle shall, if the Tunnel Manager so requires, admit into the driving cab of the vehicle a duly authorised member of the tunnel staff authorised by the Tunnels Manager in writing who shall be capable of stopping the vehicle in the event of sudden illness or incapacity overtaking the driver while in the vehicular tunnels.
- (4) The driver of every vehicle to which paragraph (1) of this byelaw applies shall stop on arriving at the toll plaza and shall not proceed further into the vehicular tunnel until he has received the consent of the Tunnel Manager under this byelaw.
- (5) The driver of every vehicle to which paragraph (1) of this byelaw applies and which is approaching the tunnel from the south shall stop in that part of the tunnel approach which is designated as a vehicle inspection area and signed as such and shall not proceed further into this vehicular tunnel until he has received the consent of the Tunnel Manager under this byelaw.
28. For the purpose of enforcing byelaw 25 every person in the tunnels area shall allow the Tunnels Manager or staff to search any vehicle or package brought into the tunnels area and the Tunnels Manager or staff, on producing if required some duly authenticated document showing his authority, may open any such package if he has reason to suspect

that such package contains any goods, substances or articles referred to in byelaw 27(1) without the necessary consent pursuant to byelaw 27(1).

V. EXCLUDED TRAFFIC

29. No person shall take or cause or permit to be taken into the vehicular tunnels:
- (a) any horse drawn vehicle;
 - (b) any pedal cycle or tricycle,
- except if conveyed as the load or part of the load of any vehicle; or
- (c) any animals or livestock except domestic animals, unless transported in special containers or adapted vehicles and approved by the Tunnel Manager.
30. No person shall take or cause or permit to be taken into the vehicular tunnels any of the following vehicles:
- (a) vehicles which emit smoke, visible vapour, grit, sparks, ashes, cinders or oily substance in a manner which contravenes any regulations for the time being in force under the Road Traffic Act 1988 or any amendment thereof relating to the construction and use of motor vehicles;
 - (b) vehicles which, in the opinion of the Tunnel Manager, are in such a condition or are so loaded, built or equipped as to be likely to retard traffic, injure persons or damage property;
 - (c) vehicles which are conveying faeces or offensive or noxious matter or substance which, in the opinion of the Tunnel Manager, are being carried or conveyed in such manner as to be the cause of or likely to give rise to injury or nuisance to any persons or damage property.

VI. SPECIAL TYPE VEHICLES

31. (1) No person shall take or permit to be taken into the vehicular tunnels, without the permission of the Tunnel Manager and subject to such conditions as he may direct, any vehicle whose height, length, width or weight (including load in each case) exceeds the following:

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| Height | 4.878m |
| Length | 12.20m, or in the case of vehicles and trailers a combined length (including loads or loads and drawbar) of 18.75m |
| Weight | On any one wheel 6 tonnes or on any one axle 11 tonnes |
| Width | 2.55m |

- (2) Application for permission of the Tunnel Manager under this byelaw shall be made in writing at least six clear days before the proposed arrival at the vehicular tunnels of the vehicle the subject of the application.

VII. CYCLIST AND PEDESTRIAN TUNNELS

32. No person shall use the cyclist and pedestrian tunnels except for the purpose of travelling as a pedestrian or a pedal cyclist from the entrance to the said tunnels on one side of the River Tyne to the exit from the said tunnels on the other side of that River.
33. No person shall drive, propel, lead or otherwise bring within the cyclist and pedestrian tunnels any vehicle other than a pram, pushchair, wheelchair, motorized scooter or pedal bicycle or tricycle (excluding any pedal bicycle or tricycle fitted with an auxiliary electrical or internal combustion engine), or any animal other than a domestic animal secured by a lead or carried clear of the ground.

34. No person shall travel on a moving escalator otherwise than in the direction in which such escalator is travelling or propel or carry a pram, pushchair, wheelchair or tricycle on an escalator or cause or permit an animal to travel on an escalator unless such animal be carried clear of the ground.
35. No person shall, when travelling on an escalator, sit, kneel or lie upon the treads or handrail of such escalator.
36. No person shall ride a bicycle or tricycle in any part of the pedestrian tunnels, or travel otherwise than on the left hand side of the said cyclist tunnel. Unless directed by a member of the tunnel staff, no person shall push or otherwise propel a bicycle or tricycle in the pedestrian tunnel as so marked nor shall any person other than a cyclist use the cyclist tunnels other than a duly authorised tunnels officer.
37. All persons using the cyclist and pedestrian tunnels shall observe and obey any instructions or signals given to them by members of the tunnel staff, including instructions given via the installed public address system, with regard to the way in which or the route by which they are to travel.

VIII. PREVENTION OF DAMAGE OR NUISANCE GENERALLY

38. No person in the tunnels shall climb upon, damage or remove any part of the structure of the tunnels, ventilating plant or shafts, toll booths, escalators, lifts, equipment, machinery, fittings or appurtenances thereof or any other property of the Authority, or post any bill, placard or notice, or write or stamp, cut, print, draw or make marks in any manner on any part thereof.
39. No person shall move, alter or deface or otherwise interfere with any notice, notice board or sign belonging to the Authority and exhibited or placed in the tunnels.
40. No person shall operate any machinery, switches, brakes, gates or other mechanism of the tunnels, escalators, lighting and ventilation plant other than:
 - (a) to apply the escalator emergency stopping switch when necessary to prevent injury or damage to any person or any thing;
 - (b) to operate the fire fighting equipment in case of emergency;
 - (c) to use a telephone in case of emergency; and
 - (d) to operate the lift controls where such operation is permitted.
41. No person shall urinate or defecate within the tunnel area.
42. No person shall place or attempt to place any object not being current coin of the United Kingdom or current coin or Euro currency in any receptacle provided for the automatic payment of tolls payable under the Tyne and Wear Act 1976 and the 2005 Order.
43. No person shall throw or drop in any part of the tunnels anything whatsoever capable of injuring or damaging the tunnel or any person or property.
44. No person shall place or deposit or leave on or in the tunnels or precincts any vehicle or any glass, china, earthenware, tin, carton, paper, debris, oils, waste or other rubbish so as to create a litter or fire risk.
45. No person shall wilfully obstruct or impede any member of the tunnel staff in the execution of his duty in or about the tunnels.
46. No person shall offer for sale or sell any articles or produce of any description in the tunnels except without the express written permission of the Authority.
47. No person shall loiter or remain in the tunnels or its buildings or precincts or in any vehicle therein after having been requested by a member of tunnel staff to move therefrom.

48. No person in the tunnels whether on his own or against another person shall:
- (a) use any threatening, abusive or insulting words or behaviour; or
 - (b) distribute or display any writing, sign or visible representation which is threatening, abusive or insulting or which in the opinion of the Tunnel Manager is likely to cause annoyance or offence.
49. No person in the tunnels shall use a vehicle music/sound system at such a volume as to cause nuisance to other users of the tunnels or to impede the tunnels safe operation.

IX. CLOSURE OF TUNNELS

50. During any period of closure of the vehicular tunnels and the cyclist and pedestrian tunnels pursuant to article 36 of the 2005 Order the passage of any vehicle or pedestrians through the vehicular tunnels and cyclist and pedestrian tunnels shall only be with the consent of the Authority whose decision shall be final.

X. POWER TO EXCLUDE

51. It shall be lawful for the Tunnel Manager and tunnels officers to prevent from entering in or upon the tunnels, the tunnels' approaches or the tunnel area the following persons:
- (a) the driver of any vehicle who that or any other officer has reasonable cause to believe is contravening, or will so if he proceeds, any of these byelaws; and
 - (b) the driver or person in charge of any vehicle or animal referred to in byelaw 29 or 30.

XI. TOLLS AND CHARGES

52. A toll is charged for the passage of a vehicle through the vehicular tunnels as authorised to be demanded and taken pursuant to the provisions of the Tyne and Wear Act 1978 and in accordance with the notice displayed at the toll plaza unless the vehicle is exempted from a requirement to pay a toll; and in respect of the passage of a vehicle through the vehicular tunnels which is not so exempted payment of the toll may be made in any of the following ways:

- (a) by pre-payment of that toll;
- (b) by payment at the toll plaza;
- (c) by payment of the toll following passage of that vehicle through the vehicular tunnels in accordance with a Schedule of Charge provided to the driver of that vehicle at the toll plaza; or
- (d) in accordance with the payment methods published from time to time by the Authority

and payment shall be in accordance with the levels of toll displayed on the approach to the vehicular tunnels and applicable to that vehicle.

53. For the purposes of byelaw 52 (b) or (c) a vehicle may be required to stop at the toll plaza for the purposes of:
- (a) payment of a toll; or
 - (b) the issuing of a Schedule of Charge to the driver of that vehicle authorising passage through the vehicular tunnels and requiring payment of the relevant toll no later than the end of the day following the date of passage of that vehicle through the vehicular tunnels;

in respect of that vehicle.

54. A liability to pay unpaid toll charges in respect of a vehicle arises where:
- (a) a liability to pay a toll under byelaw 52 has been incurred in respect of that vehicle;
 - (b) a toll has not been paid in full by, or on behalf of, either the driver or registered keeper of that vehicle in respect of the passage by the vehicle through the vehicular tunnels; and
 - (c) the toll remains unpaid beyond midnight on the day following passage of the vehicle through the vehicular tunnels pursuant to byelaw 52 ("the relevant date").
55. The level of unpaid toll charges to be applied to a vehicle in accordance with byelaw 54 shall be:
- (a) £30 in addition to the toll payable when paid in full within fourteen days beginning with the relevant date;
 - (b) £60 in addition to the toll payable when paid in full between the relevant date and the expiry date of twenty eight days following the relevant date;
 - (c) £100 in addition to the toll payable when paid in full after the expiry date of twenty eight days following the relevant date.

XII. PENALTY FOR OFFENCES

56. Any person who shall contravene or fail to comply with a provision of these byelaws shall be guilty of an offence and be liable on summary conviction to a fine not exceeding Level 3 on the standard scale.
57. The Authority wherever applicable in monitoring infringements of these byelaws and in the prosecution of offenders shall be entitled to:
- (a) rely where appropriate on the evidence of a device adapted for measuring by radar, laser or automatic number recognition or any other means the speed of vehicles as shall be approved by the Secretary of State; and
 - (b) make admissible as evidence recorded images from the flow of traffic or pedestrians or cyclists in the tunnels.
58. Any person reasonably suspected by a tunnels officer of breaching or attempting to breach any of the byelaws shall give his name and address when asked by a tunnels officer and if he fails to do so then he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding Level 3 on the standard scale.
59. A tunnels officer requesting details under byelaw 58 must state the nature of the suspected breach of the byelaw in general terms at the time of the request.

XIII. REVOCATION OF EXISTING BYELAWS


60. The Tyne Tunnel Byelaws 2010 are hereby revoked.

The COMMON SEAL of the NORTH)
EAST COMBINED AUTHORITY)
was hereunto affixed in the)
presence of:)


Monitoring Officer

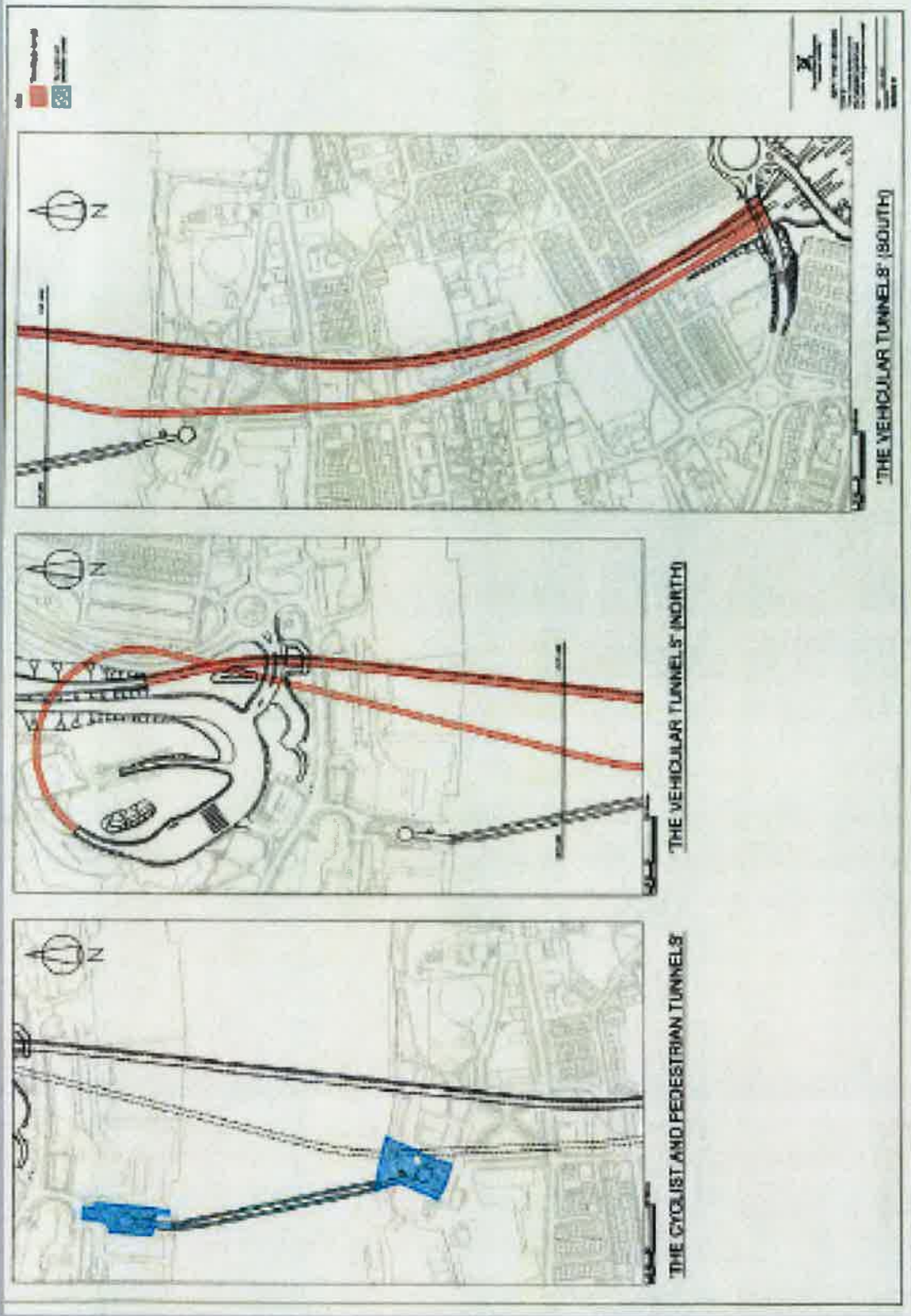


The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on: 1 July 2020

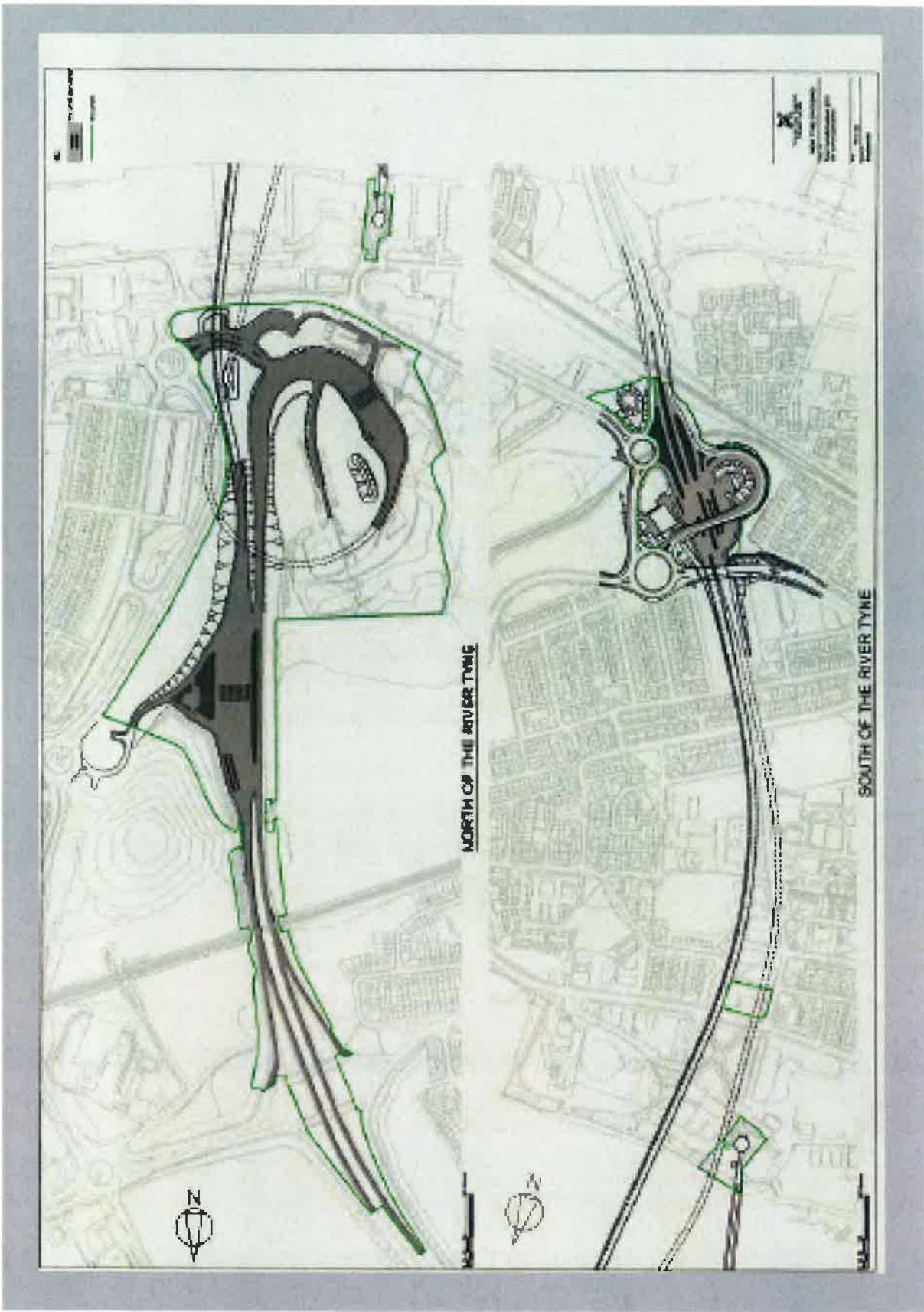
Signed by the authority of the Secretary of State
Name: 
Senior Civil Servant in the Department for Transport

Address: Great Minster House
33 Horseferry Road
London SW1P 4DR

Date: 26 June 2020



N. Rebo
2020/32



N. Kelo
2020/32