ELIZABETH II



1979 CHAPTER i

An Act to make provision for the regulation and integration of passenger transport services provided by the Tyne and Wear Passenger Transport Executive; the rating of the Tyne and Wear Metropolitan Railway; and for other purposes. [12th February 1979]

WHEREAS—

(1) The area of the Tyne and Wear Passenger Transport Executive (hereinafter referred to as "the Executive") is the metropolitan county of Tyne and Wear:

(2) It is expected that, upon the completion of part of the works required for the rapid transit railway authorised by the Tyneside Metropolitan Railway Act 1973, comprising the Tyne and Wear Metropolitan Railway (hereinafter referred to as "the Metro"), the Metro will be opened for traffic in 1979: 1973 c. xxxii.

1968 c. 73. (3) Under the Transport Act 1968 it is the general duty of the Executive to secure the provision of a properly integrated and efficient system of public passenger transport to meet the needs of their area, with due regard to the policies and subject to any directions of the Tyne and Wear County Council, and in accordance with those policies it is intended that the operation of the Metro should be integrated with bus services provided by or on behalf of the Executive:

(4) It is accordingly expedient to make provision for the determination of fares chargeable on the Metro consistent with the determination of fares for such bus services:

(5) It is further expedient to increase the penalties which may be prescribed for contravention of byelaws made under the said Act of 1973, and to make further provision for the prevention of fare evasion upon the Metro and such bus services:

(6) It is further expedient to make provision with respect to the rating of premises occupied by the Executive for, or in connection with, the Metro:

(7) The purposes of this Act cannot be effected without the authority of Parliament:

(8) The Tyne and Wear County Council have approved the promotion of the Bill for this Act pursuant to section 10 (1) (xxix) of the Transport Act 1968:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Citation. **1.**—(1) This Act may be cited as the Tyne and Wear Passenger Transport Act 1979.

1973 c. xxxii. (2) The Tyneside Metropolitan Railway Act 1973 and this Act may be cited together as the Tyne and Wear Passenger Transport Acts 1973 and 1979.

Interpretation. **2.**—(1) In this Act, unless the context otherwise requires—

"the Act of 1973" means the Tyneside Metropolitan Railway Act 1973;

"area bus service" has the meaning given by section 159 of the Transport Act 1968;

" authorised person " means—

(*a*) in relation to the Metro, any officer or servant of the Executive designated by the Executive for the purposes of this Act; and

(*b*) in relation to any bus service, an inspector employed by the Executive or by a subsidiary of the Executive or by the holder of a road service licence for that service;

" contravene " includes fail to comply;

" the designated area " means the area of the Executive designated under section 9 (1) of the Transport Act 1968 and the Local Government Act 1972; 1968 c. 73. 1972 c. 70.

" the Executive " means the Tyne and Wear Passenger Transport Executive;

" the Metro " means the system of railways defined as the rapid transit railway in the Act of 1973, and includes all stations, road and rail interchanges and other premises used or provided in connection with that system of railways.

(2) Any reference in this Act to any statutory provision shall be construed as a reference to that provision as amended by any subsequent statutory provision.

Fares on Metro.

3. Section 2 of and Schedule 1 to the Transport Charges, &c. (Miscellaneous Provisions) Act 1954 (charges on railways of the nature of tramways provided by certain undertakings) shall apply to the Metro as they apply to such a railway of the nature of a tramway as is therein referred to. 1954 c. 64.

Increase of fines for contravention of byelaws.

4.—(1) The enactments in the Act of 1973 specified in subsection (2) below shall each have effect as if the maximum amount of the fine which may be imposed by any provision in any byelaws made under that enactment for any offence under the byelaws so made were £200 instead of £25.

(2) The enactments mentioned in subsection (1) above are the following:—

Section 58 (Byelaws relating to rapid transit railway);

Section 62 (Byelaws relating to bus undertaking).

Avoidance of fare.

5.—(1) This section applies on and after the appointed day to persons using specified services, that is to say, persons making a journey on the Metro or on a public service vehicle operated by or, subject to section 8 of this Act, on behalf of the Executive on an area bus service in the designated area, or partly on the Metro and partly on such a public service vehicle.

(2) Any person using a specified service shall, if requested to do so by an authorised person—

(*a*) produce, and if so requested deliver up, a ticket showing that his fare has been paid; or

(*b*) pay the fare for the journey he is making; or

(*c*) give to the authorised person his name and address.

(3) If any person contravenes subsection (2) above, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(4) If any person without reasonable excuse—

(*a*) uses, or attempts to use, a specified service without previous payment of the fare for the journey he is making; or

(*b*) when his fare for a journey of a certain distance has been paid, uses, or attempts to use, a specified service by way of continuation of that journey without previous payment of the additional fare for the additional distance of that journey; or

(*c*) having failed to pay the fare for the journey he is making or, as the case may be, the additional fare for the additional distance of the journey he is making and, having been requested to give to an authorised person his name and address, fails to do so or gives a false name and address;

he shall be guilty in any such case of an offence and liable on summary conviction to a fine not exceeding £500.

(5) A person who uses a specified service as a passenger upon a public service vehicle operated by a driver with a conductor shall, for the purposes of subsection (4) (*a*) and (*b*) above, be taken to have made previous payment of a fare if he pays the fare when requested to do so by the conductor or, if not so requested, before leaving the vehicle.

(6) Liability to punishment for an offence under this section shall not prejudice the recovery of any fare payable by the offender.

1889 c. 57.

(7) Section 5 of the Regulation of Railways Act 1889 (penalty for avoidance of payment of fare) and regulation 11 of the Public

Service Vehicles (Conduct of Drivers, Conductors and Passengers) Regulations 1936 (and any statutory provision amending or replacing that regulation) shall not apply to persons using specified services.

(8) (*a*) In this section "the appointed day" means such day as may be fixed in accordance with paragraph (*b*) below by resolution of the Executive.

(*b*) The Executive shall publish in a newspaper circulating in the designated area notice of the passing of any such resolution and of the day fixed thereby and the day so fixed shall not be earlier than the expiration of 28 days from the date of the publication of the notice.

(*c*) A photostatic or other reproduction certified by the Secretary of the Executive to be a true reproduction of a page, or part of a page, of any newspaper bearing the date of its publication and containing the notice mentioned in paragraph (*b*) above shall be evidence of the publication of the notice, and of the date of publication.

Arrest without warrant of suspected offenders.

6. If a constable suspects with reasonable cause that a person has contravened section 5 (Avoidance of fare) of this Act, the constable may require the person to give his name and address to the constable; and if the person—

(*a*) refuses to give his name and address to the constable; or

(*b*) gives a name and address to the constable but does not answer to the satisfaction of the constable questions put to him by the constable for the purpose of ascertaining whether the name and address are correct;

the constable may arrest him without warrant.

Rating of Metro.

7.—(1) Except as provided in subsection (2) below, premises which are, or form part of, premises occupied by the Executive forming part of the Metro shall not be liable to be rated or to be included in any valuation list or in any rate but subsections (3) and (4) below shall apply for the purposes of the making and levying of a rate in respect of those premises.

(2) Subsection (1) above shall not apply to—

(*a*) premises occupied as a dwelling, hotel or place of public refreshment;

(*b*) office premises situated on land of the Executive other than operational land within the meaning of the Town and Country Planning Act 1971; 1971 c. 78.

(*c*) premises which are so let out as to be capable of separate assessment.

(3) For the purposes of the making and levying of a rate for any rate period in respect of the premises to which subsection (1) above applies, the Executive shall be treated as occupying, in each rating area in which those premises are situated, a hereditament of a rateable value fixed or determined by such method as shall be specified in an order made by the Secretary of State under this section.

(4) The hereditament which the Executive are to be treated as occupying in a rating area by virtue of subsection (3) above shall be taken not to be situated in any part of that area in which there are leviable, as an additional item of the rate, expenses which are not leviable in that area taken as a whole.

1974 c. 7.

(5) Subsections (2) to (5) of section 19 of the Local Government Act 1974 (determination of rateable value of premises occupied by public utilities and other bodies) shall apply to an order under this section as they apply to an order under that section.

1967 c. 9.

(6) Expressions used in this section have the same meanings as in the General Rate Act 1967.

Application of section 5 in case of companies holding road service licences. 1948 c. 38.

8. The provisions of section 5 (Avoidance of fare) of this Act shall not apply to a person making a journey on a public service vehicle operated by any company (within the meaning of the Companies Act 1948) unless so agreed between that company and the Executive by an agreement approved by a special resolution of the company.

Costs of Act.

9. All costs, charges and expenses of, and incidental to, the preparing for, obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Executive and may, in whole or in part, be defrayed out of revenue.

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