

MERSEY TUNNELS BYELAWS 2003

BYELAWS made by the Merseyside Passenger Transport Authority in pursuance of Section 102 of the County of Merseyside Act 1980 as amended by the Mersey Tunnels Order 1986 with regard to the Mersey Tunnels, the approaches and marshalling areas. These Byelaws may be cited as the Mersey Tunnels Byelaws 2003.

1. **INTERPRETATION**

In these Byelaws:-

“the tunnels’ approaches” means all or any of the approaches to the Queensway Tunnel authorised by the Mersey Tunnel Acts 1925 to 1928 and the Birkenhead Corporation (Mersey Tunnel Approaches) Act 1965 and all or any of the approach roads and approaches to the Kingsway Tunnels authorised by the Mersey Tunnel (Liverpool/Wallasey) etc Act 1965 and the Mersey Tunnel (Liverpool/Wallasey) Act 1968;

“authorised officer” means any person employed by the Authority and authorised by the Authority to exercise the powers and functions contained in these Byelaws;

“carriageway” means that part of a highway which is constructed so as to be suitable for regular use of motor vehicles;

“central reservation” means that part of a highway which separates the two carriageways of that highway;

“the Authority” means the Merseyside Passenger Transport Authority;

“the Operations Manager” includes any other person for the time being responsible for the management of operational aspects of the Mersey Tunnels;

“the Tunnels General Manager” includes any other person for the time being in charge of the Mersey Tunnels;

“marshalling area” means an area provided for the marshalling of vehicles using, or intending to use, the tunnels;

“Mersey Tunnels police officer” means an officer appointed pursuant to Section 105 of the County of Merseyside Act 1980;

“Schedule of Tolls” means the schedule of tolls fixed from time to time by the Authority in accordance with Sections 91 and 92 of the County of Merseyside Act 1980 as amended by the Mersey Tunnels Order 1986;

“traffic sign” has the same meaning as in Section 64 of the Road Traffic Regulation Act 1984;

“the tunnels” means any one or more of the tunnels authorised by the Mersey Tunnel Acts 1925 to 1972 comprising the tunnel between Liverpool and Birkenhead called “the Queensway Tunnel” and the two tunnels between Liverpool and Wallasey called “the Kingsway Tunnels”.

In these Byelaws the masculine includes the feminine and the singular includes the plural except where the context otherwise admits.

2. **REVOCATION OF PREVIOUS BYELAWS**

(a) The Byelaws relating to the use of the Queensway Tunnel made on the 24th October 1940, the 12th February 1960, the 21st July 1961, the 18th October 1962, the 24th March 1970 and the 28th February 1974 are hereby revoked.

- (b) The Byelaws relating to the safe custody and redelivery or disposal of lost property left in any premises used for the purposes of, or in connection with, the Queensway Tunnel made on the 27th July 1960 are hereby revoked.
- (c) The Byelaws relating to the use of the Kingsway Tunnels made on the 2nd March 1972 and the 28th February 1974 are hereby revoked.
- (d) The Byelaws relating to the Birkenhead approaches and marshalling areas of the Queensway Tunnel made on the 16th January 1970 and the 2nd June 1970 are hereby revoked.

PART I: THE TUNNELS, APPROACHES AND MARSHALLING AREAS

3. REGULATION OF TRAFFIC

The driver of every vehicle within the tunnels, the tunnels' approaches and marshalling areas and every cyclist in the Queensway Tunnel and on the said approaches to the Queensway Tunnel shall:-

- (a) cause his vehicle to enter the tunnel through an entrance and, after proceeding through the tunnel, to leave through an exit on the opposite side of the River Mersey;
- (b) observe and obey all signals and instructions given by a Mersey Tunnels police officer or other authorised officer;
- (c) if either he is about to drive his vehicle from the Metropolitan Borough of Wirral to the City of Liverpool by means of the tunnels or he has driven his vehicle from the City of Liverpool to the Metropolitan Borough of Wirral by means of the tunnels, cause his vehicle to

proceed to an appropriate toll payment point and shall not cause it to proceed beyond that toll payment point until he has paid the appropriate toll as prescribed by the Schedule of Tolls in force at the time or has been authorised by an officer of the Authority to cause his vehicle so to proceed without such payment being made;

- (d) unless otherwise directed to do so by a Mersey Tunnels police officer or other authorised officer, not cause or permit his vehicle to make a u-turn in the tunnels or the approaches;
- (e) not cause his vehicle to cross the line or marks separating the traffic lanes in the tunnels but shall keep his vehicle in lane until passing out of the tunnels unless otherwise authorised or directed by a Mersey Tunnels police officer or other authorised officer, or by a traffic sign or signal.
- (f) unless otherwise authorised or directed by a Mersey Tunnels police officer or other authorised officer, not cause his vehicle to overtake another vehicle travelling or stationary in the same lane;
- (g) keep his vehicle in gear, except when stopped;
- (h) not cause his vehicle to be towed through the tunnels unless provided with towing equipment which is approved by a Mersey Tunnels police officer or other authorised officer as sufficient for the purpose;
- (i) neither use nor permit any passenger in his vehicle to use any horn, siren, whistle, or other noise making device; provided that nothing in this Byelaw shall prevent a driver from using a horn in an emergency;
- (j) obey all traffic signs and signals in the tunnels or on the tunnels' approaches unless otherwise instructed by a Mersey Tunnels police

officer or other authorised officer. If traffic is halted for any purpose, and the “Stop Your Engine” signals are displayed, he shall cause his vehicle to halt and stop the engine of his vehicle at once and keep it stopped until the said signals are extinguished and traffic is allowed to resume movement;

- (k) proceed on the carriageway without stopping unless otherwise authorised or directed by a Mersey Tunnels police officer or other authorised officer or by any traffic sign or prevented from doing so by traffic conditions or other unavoidable cause;
- (l) not convey baled hay or straw or cotton or other flammable material or loose materials likely to be displaced by movement of air unless covered with tarpaulin or the like;
- (m) on entering the tunnels extinguish or obscure all lamps other than those required by any regulations for the time being in force under the Road Traffic Act 1988, or any amendment thereof, to be carried during the hours of darkness and shall keep the same extinguished or obscured until the vehicle has passed out of the tunnels. The use of full-beam headlights in the tunnels is prohibited;
- (n) cause his vehicle, whether moving or stationary, to remain a clear spacing from any vehicle ahead of not less than 23 metres measured along the centre of the carriageway on which the vehicle is, except that, if the vehicle is stopped in obedience to a traffic sign, it shall maintain a clear spacing from any vehicle ahead of not less than 2.75 metres measured as aforesaid, or such other spacing as a Mersey Tunnels police officer or other authorised officer shall direct.

- (o) not drive a vehicle if he is informed by a Mersey Tunnels police officer or other authorised officer that in the opinion of that officer it is so loaded, built or equipped as to be likely to retard traffic, to injure persons or to damage property;
- (p) not drive any vehicle containing faecal or offensive or noxious matter or any substance likely to be a nuisance or cause damage to the tunnels, the tunnels' approaches, the marshalling areas or to persons using the same;
- (q) not drive a vehicle if he is informed by a Mersey Tunnels police officer or other authorised officer that in the opinion of that officer he is unable for any reason to operate his vehicle in a proper and safe manner;
- (r) not drive any mechanically propelled vehicle which is not provided with sufficient and reliable brakes and with such mechanical power as will ensure its maintaining the minimum speed specified in these Bylaws in relation to the lane in which it is moving;
- (s) unless otherwise directed by a Mersey Tunnels police officer or other authorised officer or a traffic sign, cause his vehicle while on a length of carriageway which is contiguous to a central reservation to be driven in such a direction only that the central reservation is at all times on the right hand side of the vehicle;
- (t) unless otherwise directed by a Mersey Tunnels police officer or other authorised officer, not without reasonable excuse cause a vehicle on a carriageway to be driven or moved backwards except insofar as it may be necessary to enable the vehicle to proceed forwards along the carriageway or to be connected to any other vehicle;

- (u) unless otherwise directed by a Mersey Tunnels police officer or other authorised officer not without reasonable excuse cause a vehicle to be driven or moved or to stop or remain at rest on a central reservation nor drive a vehicle across a central reservation;
- (v) not cause a vehicle the height of which (including any load) exceeds 1.90 metres to proceed to and beyond any toll payment point designated as being for motor cars only.

4. **SPEED LIMITS**

- (a) In the Kingsway Tunnels the maximum speed for vehicles shall be 40 mph and, unless prevented by traffic conditions, the minimum speed shall be 10 mph provided that a Mersey Tunnels police officer or other authorised officer may permit a vehicle to enter the Kingsway Tunnels and proceed in the left-hand lane of a carriageway at a speed less than 10 mph at such time or times as the said officer shall specify.
- (b) In the Queensway Tunnel, for vehicles using the left-hand lane of a carriageway the maximum speed shall be 30 mph and, unless prevented by traffic conditions, the minimum speed shall be 10 mph provided that a Mersey Tunnels police officer or other authorised officer may permit a vehicle to enter the Queensway Tunnel and proceed in the left-hand lane of a carriageway at a speed less than 10 mph at such time or times as the said officer shall specify.
- (c) In the Queensway Tunnel, for vehicles using the right-hand lane or lanes of a carriageway, the maximum speed shall be 30 mph and, unless prevented by traffic conditions, the minimum speed shall be 20 mph.

- (d) Within the approaches to the Kingsway Tunnels the maximum speed for a vehicle -
- (i) on so much of the tunnels' approach road as is situated between the tunnels and the bridge carrying Mill Lane over the tunnels' approach road in the Wallasey District of the Metropolitan Borough of Wirral, shall be 40 mph;
 - (ii) on all roads comprised in the tunnels' approaches in the Wallasey District of the Metropolitan Borough of Wirral other than those specified in (i) above, shall be 50 mph;
 - (iii) on so much of the tunnels' approach road as is situated between the tunnels and the bridge carrying Scotland Road over the tunnels' approach road in the City of Liverpool, shall be 40 mph; and
 - (iv) on all roads comprised in the tunnels' approaches in the City of Liverpool other than those specified in (iii) above, shall be 30 mph.
- (e) Within the approaches to the Queensway Tunnel the maximum speed for all vehicles shall be 30 mph and, unless prevented by traffic conditions, the minimum speed shall be 10 mph.

5. **VEHICLES UNABLE TO PROCEED**

Within the tunnels, the tunnels' approaches and marshalling areas no person shall refuel, change any wheel of or carry out any repairs to any vehicle or cycle unless so authorised by a Mersey Tunnels police officer or other authorised officer but shall, if such authority is not given, permit a Mersey Tunnels police officer or other authorised officer to arrange for refuelling,

wheel changes and repairs and/or for the removal of any vehicle or cycle to a more convenient place as the said officer shall think fit.

6. **USE OF FIRE EXTINGUISHERS**

The use of fire extinguishers in the tunnels other than those provided by the Authority or by the Merseyside Fire and Civil Defence Authority 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 a fire occurring on such vehicle.

7. **DANGEROUS GOODS, VEHICLES OR CONTAINERS**

(a) Subject as hereinafter provided, the Authority may from time to time prescribe the hours during which vehicles in any of the classes to which this Byelaw applies may enter the tunnels, provided that such hours shall not in the aggregate be less than 8 hours in any period of 24 hours and provided further that at least 14 days before the date upon which the prescribed hours shall come into operation the authority shall publish a notice as to the prescribed hours in two local newspapers both circulating in the City of Liverpool and in the Metropolitan Borough of Wirral.

(b) Vehicles in any of the classes to which this Byelaw applies shall not enter the tunnels except by permission of the tunnels General Manager or a Mersey Tunnels police officer or other authorised officer, which permission, if granted, shall be subject to the following conditions, namely:-

- (i) if hours have been prescribed as aforesaid in respect of the class of vehicle concerned, the permission shall relate only to those hours;
 - (ii) a declaration in writing shall be made to the Tunnels General Manager or a Mersey Tunnels police officer or other authorised officer by the person in charge of every empty petrol or other tank wagon and by the person responsible for the conveyance of any goods referred to in paragraph (c) of this Byelaw as to the nature of such vehicle or goods respectively, and a Mersey Tunnels police officer shall be provided for the purpose of escorting through the tunnels any such tank or other wagon or vehicle conveying any such goods and shall take any other precautionary measures which in his opinion are deemed to be expedient; and
 - (iii) every vehicle so escorted shall proceed as directed by the escorting officer;
- (c) This Byelaw applies to the following classes of vehicles:-
- (1) vehicles carrying or conveying
 - (i) flammable liquids (that is, those liquids giving off flammable vapours at temperatures of less than 66°C/150°F) or flammable solids;
 - (ii) corrosive acids or chemicals;
 - (iii) gas under pressure and/or liquefied or refrigerated gas;
 - (iv) oxidising or corrosive substances;
 - (v) toxic substances;

- (vi) radioactive substances;
 - (vii) explosive substances or loaded firearms;
 - (viii) loose hay, straw or other material in like condition which is combustible;
 - (ix) any other substance named in the British Toll Tunnels Dangerous Traffic Booklet in force at the time - a copy of which is available for reference upon request at the Mersey Tunnels offices;
 - (x) any other substance named in the notice specified in (a) above which is in the opinion of the Tunnels General Manager of a dangerous nature;
- (2) empty petrol or other tank wagons which on their previous loaded journey contained substances as defined in (1)(i), (ii), (iii), (iv), (v) and (ix) above and which have not been cleaned since that loaded journey.

8. **TRAFFIC EXCLUDED FROM USE OF THE TUNNELS**

The following vehicles shall not be used in the tunnels, namely:-

- (a) Public Service Vehicles within the meaning of the Public Passenger Vehicles Act 1981 carrying passengers in excess of the authorised number prescribed by the Public Service Vehicles (Carrying Capacity) Regulations 1984 or any amendment thereof.
- (b) Vehicles which emit smoke, visible vapour, grit, sparks, ashes, cinders or oily substance.

- (c) Vehicles which contravene 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.
- (d) Vehicles which are of such size or shape that they will not clear the structure or fixtures of the tunnels.

9. **TRAFFIC EXCLUDED FROM THE USE OF THE TUNNELS AND THE TUNNELS' APPROACHES**

Queensway Tunnel

- (a) Handcarts, mailcarts, metal-tyred vehicles, perambulators, push-carts, wheelbarrows, pedal-cycles the riders of which are under the age of 14 years, and vehicles drawn by animals shall not be used in the Queensway Tunnel or on the approaches thereto.
- (b) Pedal-cycles shall not be used in the Queensway tunnel during the following period, namely:-
 - (i) from Monday to Friday inclusive between the hours of 6.00 am and 8.00 pm;
 - (ii) on Sundays between the hours of 8.00 am and 9.00 pm during the period from 1st April to 30th September inclusive.
- (c) No person shall permit any animal to enter the tunnel except animals conveyed in a vehicle.

Kingsway Tunnels

- (d) Handcarts, mailcarts, metal-tyred vehicles, perambulators, pushcarts, wheelbarrows, pedal-cycles and vehicles drawn by animals shall not be used in the Kingsway tunnels or on the approaches thereto.
- (e) No person shall permit any animal to enter the tunnels except animals conveyed in a vehicle.

10. **SPECIAL PERMITS**

Without the express permission of a Mersey Tunnels police officer or other authorised officer the following vehicles shall not be used in the tunnels, namely:-

Queensway Tunnel

- (a) vehicles the height of which (including any load) exceeds 3.90 metres;
- (b) vehicles without trailers the length of which (including any load or loads and drawbar), or vehicles and trailers the combined length of which (including any load or loads), exceeds 12.00 metres;
- (c) vehicles the gross permitted weight of which (including any load) exceeds 3.5 tonnes;
- (d) vehicles the width of which (including any load) exceeds 2.70 metres;
and
- (e) vehicles which do not come within any of the classifications of vehicles contained in the Schedule of Tolls in force at the time.

Express permission will be granted for passenger carrying vehicles with a seating capacity exceeding nine and operating local bus services to use the Queensway Tunnel provided that they shall not exceed the height of 4.75 metres and that all such vehicles between 3.90 and 4.75 metres in height shall use one of the middle lanes only. Permission in this latter instance will accordingly be subject to the availability of an appropriate lane.

Express permission will also be granted for emergency service vehicles.

Kingsway Tunnels

- (f) vehicles the height of which (including any load) exceeds 5.00 metres;

- (g) vehicles the length of which (including any load) exceeds 12.20 metres; and vehicles and trailers the combined length of which (including any load or loads and drawbar) exceeds 18.30 metres;
- (h) vehicles the gross weight of which (including any load) exceeds 38 tonnes;
- (i) vehicles the width of which (including any load) exceeds 2.90 metres; and
- (j) vehicles which do not come within any of the classifications of vehicles contained in the Schedule of Tolls in force at the time.

11. **INSPECTION OF VEHICLES AND PACKAGES**

A Mersey Tunnels police officer or other authorised officer, upon producing his authority if required, may stop and inspect:

- (a) any vehicle or package brought into the tunnels or onto the tunnels' approaches or marshalling areas and open such package if he has reason to suspect that such vehicle or package contains any matter or substance prohibited from the tunnels or the tunnels' approaches by Byelaw 3(p) or any goods referred to in Byelaw 7(c) the necessary permission for the entry of which has not been duly granted; or
- (b) any vehicle brought into the tunnels or onto the tunnels' approaches or marshalling areas and search such vehicle if he has reason to suspect that such vehicle has claimed a concession or exemption from payment of the appropriate toll to which it is not entitled.

12. **REGULATION OF ENTRY AND CONDUCT OF PERSONS**

- (a) No person (other than a Mersey Tunnels police officer or other authorised officer in the course of his duties) shall without permission of a Mersey Tunnels police officer:-
- (i) enter or remain in the tunnels or the tunnels' approaches or the marshalling areas on foot; or
 - (ii) alight from any vehicle within the tunnels, the tunnels' approaches or the marshalling areas, otherwise than in an emergency.
- (b) No person shall in the tunnels or in or upon the tunnels' approaches or the marshalling areas:-
- (i) intentionally obstruct or impede any Mersey Tunnels police officer or other authorised officer in the execution of his duty;
 - (ii) without reasonable excuse, climb or attempt to climb any railing, fence or wall;
 - (iii) loiter or remain in or upon the tunnels, the tunnels' approaches or the marshalling areas or in any vehicle therein or thereon, having been requested by a Mersey Tunnels police officer or other authorised officer to desist therefrom;
 - (iv) without reasonable excuse, remove, displace or deface any property of the Authority;
 - (v) post any bill, record, placard or notice, without the permission of the Tunnels General Manager;

- (vi) sell or distribute or prepare to sell or distribute any article or thing whatsoever without the permission of the Tunnels General Manager;
- (vii) take part in any commercial filming or photography, without the permission of the Tunnels General Manager;
- (viii) commit any nuisance or indulge in any offensive or disorderly behaviour; or
- (ix) throw, drop or deposit any article or thing whatsoever capable of injuring, damaging or endangering any person or property.

PART II: LOST PROPERTY

13. (a) Any person (other than a Mersey Tunnels police officer) who finds property in or on any premises used for the purpose of or in connection with the tunnels, the tunnels' approaches or the marshalling areas or in any vehicle (other than a Public Service Vehicle as defined by the Public Passenger Vehicles Act 1981) shall hand it in immediately in the state in which it is found to a Mersey Tunnels police officer.
- (b) Any Mersey Tunnels police officer who finds, or is given, any property in or on any premises used for the purpose of or in connection with the tunnels, the tunnels' approaches or the marshalling areas or in any vehicle (other than a Public Service Vehicle as defined by the Public Passenger Vehicles Act 1981) shall, before or immediately at the end of the said officer's tour of duty, deliver or send the same for custody to the Operations Manager and shall, at the same time, supply particulars

of the property, the circumstances in which it was found, and the name and address of the person who first found it.

- (c) The Operations Manager shall keep a record of all such property delivered into his custody and of the ultimate disposal of such property, and such record shall be retained for a period of not less than twelve months and shall at all reasonable times be available for inspection by a police officer.
- (d) The Operations Manager having the custody of any property pursuant to these Byelaws shall retain that property in safe keeping until claimed by the owner or disposed of in accordance with these Byelaws, provided that official documents including licences, passports and aliens' identity books shall whenever practicable be returned forthwith to the appropriate Government Department, local authority or other body or person by whom they were issued.
- (e) If any property so retained by the Operations Manager is not claimed within six months and proved to his satisfaction to belong to the claimant, it shall thereupon vest in the Authority and the Authority may if it thinks fit dispose of the property either by handing it to the finder or by selling it for the best price that can be reasonably obtained.
- (f) If any property delivered to the Operations Manager appears to him to be of a perishable nature and is not claimed within 24 hours of the time when it was found and proved to his satisfaction to belong to the claimant, the Operations Manager may thereupon destroy such property or otherwise dispose of it as may seem appropriate provided that any such property which is or becomes objectionable may be

destroyed or disposed of at any time at the discretion of the Operations Manager.

- (g) Subject to the foregoing provisions of this Byelaw, if any property delivered to the Operations Manager pursuant to the provisions of these Byelaws is claimed before the expiration of six months and the claimant proves to the satisfaction of the Operations Manager that it belongs to the claimant, it shall thereupon be delivered to the claimant upon payment by him of such charge as the authority may from time to time fix for the return of any lost property.
- (h) Where any such property is delivered to a claimant, all costs of packaging and carriage reasonably incurred by the Authority shall be paid to the Authority by the claimant.
- (i) Where any property delivered to the Operations Manager is contained in a package, bag or other receptacle, the Operations Manager may cause the same to be opened and the contents examined if he deems it necessary to do so for the purpose of:-
 - (i) identifying and tracing the owner of the property; and/or
 - (ii) ascertaining the nature of the said contents.
- (j) Where any property delivered to the Operations Manager is claimed by any person the Operations Manager may require the claimant to open any receptacle in which it may be contained and to submit the contents to examination for the purpose of establishing his claim to ownership.
- (k) The Operations Manager shall once each week notify the Chief Constable of Merseyside Constabulary of Police of all property which

has been found and taken into his custody and not previously notified to the police.

- (l) Any money received by the Operations Manager as a result of the delivery to the owner, the sale or other disposal of lost property, shall be paid to the Authority.
- (m) For the purpose of this Byelaw, the Operations Manager may delegate all or any of his powers and duties hereunder to any other officer as he may think fit.

PART III: POWER TO EXCLUDE

14. It shall be lawful for a Mersey Tunnels police officer or other authorised officer to prevent from entering in or upon the tunnels, the tunnels' approaches or marshalling areas (and to use reasonable force for the purpose of so doing) the following persons, namely:-
- (a) the driver of any vehicle who that or any other such officer has reasonable cause to believe is contravening, or will if he so proceeds contravene, any of these Byelaws: and
 - (b) the driver or person in charge or any vehicle or animal referred to in Byelaws 8 and 9 above.

PART IV: EXEMPTION

15. These Byelaws (with the exception of Byelaw 3(c)) shall not apply:-
- (a) In respect of any vehicle or any occupant thereof whilst the vehicle is being used by or for the purposes of any Police Force, Fire and Civil Defence Authority or Ambulance Service in response to an emergency; and

- (b) in respect of any person or persons by or on behalf of the Authority for the inspection or maintenance of the tunnels, the tunnels' approaches or marshalling areas.

PART V: PENALTY

16. Any person who contravenes any of the provisions of these Byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000 and, in the case of a continuing offence, to a further fine not exceeding £50 for each day during which the offence continues after conviction therefor.

GIVEN under the Common Seal of)
The Merseyside Passenger Transport)
Authority on this 15th day of October 2003)
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Authorised Signatory for Clerk to the
Merseyside Passenger Transport Authority

THE FOREGOING BYELAWS ARE HEREBY CONFIRMED BY THE SECRETARY OF STATE FOR TRANSPORT AND SHALL COME INTO OPERATION ON

.....
Signed by authority of
The Secretary of State

.....
Divisional Manager in
the Department for Transport