

THE CHANNEL TUNNEL BYELAWS 1994

Eurotunnel, in exercise of the powers conferred on it as Concessionaires by section 20 of the Channel Tunnel Act 1987 and of all other powers enabling it in that behalf, hereby makes the following byelaws:

1. INTERPRETATION

(1) In these byelaws -

"the Act"	means the Channel Tunnel Act 1987;
"Eurotunnel"	means the partnership between The Channel Tunnel Group Limited and France-Manche S.A., being the Concessionaires as defined in the Act, and where the context so permits for any purpose includes any employee or agent of Eurotunnel authorised by it for that purpose;
"notice"	means a notice or sign erected by or on behalf of Eurotunnel;
"the Terminal"	means that one of the two terminal areas used by Eurotunnel and comprised in the tunnel system (together with its access and Egress roads) which is located in the vicinity of Cheriton, Folkestone in Kent;
"through train"	means a train, other than a shuttle train, which for the purposes of sections 11 and 12 of the Act is engaged on an international service;
"trailer"	means any vehicle designed or adapted to be towed by another, including a caravan;
"the Tunnels"	means the tunnels under the English Channel between Cheriton, Folkestone in Kent, and Frethun in the Pas de Calais comprising two main tunnels capable of carrying both road traffic on shuttle trains and rail traffic, and an associated service tunnel; and
"vehicle"	means any vehicle, including a motor vehicle or other mechanically propelled vehicle, a trailer, a motor or pedal cycle, and any other form of conveyance, other than a shuttle train and a through train.

- (2) In these byelaws -
- (a) the expressions "shuttle train", "shuttle service", "train" and "the tunnel system" have the same meaning as in the Act ; and
 - (b) references to driving include, in relation to a cycle, references to riding and, in relation to any other vehicle, references to operating the means of propulsion.
- (3) The headings in these byelaws are for convenience of reference only and shall not affect construction.

2. **CITATION**

These byelaws may be cited as the Channel Tunnel Byelaws 1994.

3. **APPLICATION**

These byelaws shall apply within so much of the tunnel system as is within the United Kingdom (and the extent of their application shall accordingly include any shuttle train whilst within the United Kingdom, and any through train whilst in any part of the tunnel system within the United Kingdom).

4. **VEHICLES**

- (1) No person shall -
- (a) drive or manoeuvre a vehicle dangerously; or
 - (b) drive or manoeuvre a vehicle without due care and attention, or without reasonable consideration for other persons using the tunnel system.
- (2) No person shall drive, position, park or leave a vehicle -
- (a) in any place other than one designated for the purpose by a constable or Eurotunnel; or
 - (b) otherwise than as directed by Eurotunnel.
- (3) No person shall park or leave a vehicle or cause or permit it to remain for a period in excess of the permitted time in any place where the period of waiting is restricted by notice except with the permission of, or as directed by a constable or Eurotunnel.

- (4) No person shall use any vehicle, or cause or permit it to be used, for the purpose of camping or otherwise staying overnight unless authorised to do so by Eurotunnel.
- (5) No person in charge of a vehicle shall cause or permit it -
- (a) to obstruct or disrupt the flow of any traffic, whether at a toll collection point or elsewhere;
 - (b) to delay or disrupt the running of any shuttle service;
 - (c) otherwise to obstruct or disrupt the operation of the tunnel system; or
 - (d) to cause danger to any person or property.
- (6) No person shall use any vehicle, or cause or permit it to be used, at any time when -
- (a) the condition of the vehicle or of any of its equipment or accessories;
 - (b) the number of passengers carried in or on it or the manner in which they are carried; or
 - (c) the weight, position, distribution, packing, securing or adjustment of any load,
- is such as to cause, or be likely to cause, danger, injury or nuisance to any person or property.
- (7) No person shall, in any part of the tunnel system to which the enactments relating to road traffic do not apply, use or leave any vehicle, or cause or permit it to be used or left, if it fails to comply with:
- (a) the lighting requirements;
 - (b) the construction and use requirements as to brakes, steering-gear, tyres or electrical or lighting apparatus, or
 - (c) any other requirements as to safety or roadworthiness,
- which apply to that type of vehicle when on a road to which the enactments relating to road traffic apply.
- (8) No person shall use any vehicle, or cause or permit it to be used, unless its fuel and exhaust systems, including the condition and extent of filling of any fuel tank and the condition of any fuel cap or equipment relating to the carriage or use of fuel, are at all times such that no danger or nuisance is caused or is likely to be caused to persons or property and that there is no risk of fuel spillage.

- (9) No vehicle shall be driven into the Terminal unless the vehicle has sufficient fuel or other power to leave the tunnel system
- (10) No person shall, except under the direction of a constable or Eurotunnel, remove from any part of the tunnel system any vehicle which is in need of or receiving breakdown services or roadside assistance or is otherwise disabled or inoperative; and no person shall, except with the consent and under the direction of a constable or Eurotunnel, provide any such services or assistance for reward.
- (11) No person shall wash, service, repair or maintain a vehicle or change a tyre or wheel of a vehicle, in any part of the tunnel system other than an area designated for the purpose by Eurotunnel, except under the direction of a constable or Eurotunnel.
- (12) No person shall re-fuel a vehicle or cause or permit liquid fuel to be put into or removed from any tank or other container except in a place designated for that purpose by Eurotunnel.
- (13) No person shall start the ignition of or move any vehicle whilst it is inside a shuttle train unless authorised or requested by Eurotunnel to do so.

5. **RESTRICTED AREAS**

- (1) No person, other than a constable or a person authorised for the purpose by Eurotunnel, shall -
 - (a) enter any premises or place in, or any other part of, the tunnel system to which for the time being members of the public are not permitted to have access;
 - (b) enter or leave the tunnel system otherwise than through a gate or entrance provided by Eurotunnel for that purpose;
 - (c) cause or permit any vehicle to enter any part of the tunnel system intended for the movement or provided for the maintenance of shuttle trains, except a part designated by Eurotunnel for use by such a vehicle;
 - (d) cause or permit any shuttle servicing equipment to enter any part of the tunnel system intended for the movement or provided for the maintenance of shuttle trains except a part designated by Eurotunnel for use by such equipment.
 - (e) use any road, allocation area, bridge, or platform in the tunnel system other than in or with a motor vehicle, or
 - (f) climb any wall, fence, barrier, railing or post

- (2) No person shall neglect, fail or refuse to comply with any notice prohibiting or restricting access to any premises, road or other part of the tunnel system.

6. INTERFERENCE WITH EUROTUNNEL OPERATIONS AND PROPERTY

- (1) No person, other than a person authorised for the purpose by Eurotunnel, shall enter or climb on -
- (a) any part of any shuttle train to which for the time being members of the public are not permitted to have access; or
 - (b) any vehicle or other equipment used or provided for servicing, maintaining or repairing any shuttle train, track, road or other facility in or part of the tunnel system.
- (2) No person, other than a person authorised for the purpose by Eurotunnel, shall operate, move, alter, tamper or interfere with, or obstruct or prevent the operation of -
- (a) any telephone or other telecommunications equipment or apparatus;
 - (b) any lift, escalator, conveyor belt or power-operated gangway;
 - (c) any switch, lever or device; or
 - (d) any other mechanical, electrical, electronic or other equipment or apparatus.

which is provided for use in or in connection with any shuttle train or shuttle service or the operation of any other part of the tunnel system, except that -

- (i) in the case of an emergency, any such equipment or apparatus which is provided for use in an emergency may be used for that purpose, in accordance with any instructions displayed on or near it; and
 - (ii) in the case of any heating, ventilating or lighting equipment or apparatus which is provided for use and intended to be operated by passengers on a shuttle train, it may be so operated for the purpose for which it is provided, in accordance with any instructions displayed on or near it
- (3) No person shall obstruct or disrupt the operation, maintenance or use of any part of the tunnel system.

- (4) No person, other than a person authorised for the purpose by Eurotunnel, shall -
- (a) remove, displace or alter any part of the structure or fabric of the tunnel system or any fixture, fitting, furnishing, notice or other property comprised in or provided for or in connection with the tunnel system; or
 - (b) erect or place on any part of the tunnel system any structure or property.
- (5) No person, other than a person authorised for the purpose by Eurotunnel, shall:
- (a) write, draw, paint, carve or make any mark on;
 - (b) affix any bill, poster or sticker to; or
 - (c) soil, deface or defile,
- any wall, window, door, floor, fixture, fitting, furnishing or other structure, notice, surface or part of or in any shuttle train or any other part of the tunnel system.

7. COMPLIANCE WITH REQUIREMENTS OF CONSTABLES OR EUROTUNNEL

- (1) No person on foot, or whilst driving a vehicle, shall neglect, fail or refuse to comply with any lawful indication or direction given by a constable or Eurotunnel (including one contained in a notice).
- (2) A person shall, if so requested by a constable, state his correct name and address and the purpose of his being in the tunnel system.
- (3) Where an accident occurs in any part of the tunnel system which causes injury to any person or damage to property, the driver of any vehicle involved shall stop and give his own and the owner's name and address, the identification marks of the vehicle and details of the accident to Eurotunnel as soon as possible and, in any event, before leaving the tunnel system.
- (4) No person shall enter the tunnel system knowing or having reasonable cause to believe that he is for the time being banned or prohibited by Eurotunnel from entering it.

- (5) No person shall drive a vehicle onto a shuttle train or in any other part of the tunnel system (except, where he is already in the tunnel system, for the purpose of making a safe and orderly exit from it) after being informed -
 - (a) by a constable or a person authorised for the purpose by Eurotunnel that, in his opinion, the vehicle is so loaded, built, equipped or maintained as to be likely to obstruct traffic, injure persons or damage property; or
 - (b) by a person so authorised, that, in his opinion the vehicle otherwise fails to meet a requirement specified by Eurotunnel for the carriage of vehicles of that type.
- (6) No person shall remain on a shuttle train or in any other part of the tunnel system for any longer than is necessary for a safe and orderly exit from the tunnel system after having been requested to leave by a constable or a person authorised for the purpose by Eurotunnel.
- (7) No person shall allow any vehicle to remain in any part of the tunnel system for longer than is necessary to effect the removal of the vehicle under the direction of, and by means satisfactory to, Eurotunnel, after its presence has been forbidden or its removal has been required by a constable or a person authorised for the purpose by Eurotunnel.
- (8) No person shall obstruct or interfere with the proper operation or use of the tunnel system or with any person acting in the execution of his duty in relation to the operation or use of the tunnel system.

8. OTHER PROHIBITED ACTIVITIES

- (1) No alcohol may be consumed on any shuttle train or in any other part of the tunnel system, other than within the limits of licensed premises or on any through train.
- (2) No person shall be drunk or otherwise incapacitated by, or unduly under the influence of, alcohol or drugs in any part of the tunnel system.
- (3) No person shall molest, or interfere with the comfort or convenience of, any passenger or other person using the tunnel system.
- (4) No person shall -
 - (a) sing, dance, shout, whistle or play a musical instrument;
 - (b) use any apparatus for transmission, reception, recording, reproduction or amplification of sound, speech or images; or

- (c) use any computer games or other electronic equipment
- in such a way or in such circumstances as does or may -
- (i) cause annoyance to any other person, or
 - (ii) prevent, disrupt, distort or interfere with the transmission or reception of radio, telephone or other communications for or in connection with the operation or use of the tunnel system.
- (5) No person shall throw anything capable of causing injury, damage, danger or nuisance to or at any person or property.
- (6) No person shall spit in any shuttle train or any other part of the tunnel system.
- (7) No person shall deposit any litter except in a receptacle provided for the purpose.
- (8) No person shall unload the contents of or clean out a vehicle, or abandon or leave anything, so as to cause or create, or contribute to the creation of, litter in any part of the tunnel system.
- (9) No person, other than a person authorised for the purpose by Eurotunnel, shall sell or resell, or offer for sale or resale, or distribute any ticket or permit for, or purporting to authorise, carriage or conveyance on any shuttle train or for the use of any shuttle service.
- (10) No person shall sell or offer to sell, hire or distribute any goods or services, without the prior written approval of Eurotunnel.
- (11) No person shall post, distribute or display any sign, advertisement, circular or other printed or written matter, without the prior written approval of Eurotunnel.
- (12) No person shall beg or solicit funds or contributions of any kind, without the prior written approval of Eurotunnel.
- (13) No person shall provide or offer for reward any cleaning, servicing, breakdown, roadside assistance or maintenance services, without the prior written approval of Eurotunnel.
- (14) No person shall cause or permit any flying device (including any aeroplane, gyrocopter, hang-glider, kite, model-aeroplane or hot-air balloon) to enter or be present in any air space over the Terminal where to do so may interfere with or obstruct the operation or use of the tunnel system, without the prior written approval of Eurotunnel.
- (15) Except in an emergency, no person, other than a constable or a person authorised for the purpose by Eurotunnel, shall -

- (a) alight from any shuttle train or through train, with or without a vehicle, at any place other than a platform or other place designated for the purpose by Eurotunnel; or
- (b) enter or be present in the Tunnels otherwise than in a shuttle train or through train.

9. PROHIBITED AND RESTRICTED GOODS

- (1) Where Eurotunnel has published and for the time being maintains in force a list of goods which are prohibited by it from being carried in the tunnel system or which are permitted by it to be carried subject to specified restrictions, no person shall bring or cause or permit to be brought within the tunnel system any goods which are so prohibited or any goods which are subject to and in breach of any such restrictions.
- (2) Eurotunnel may remove from any vehicle or the custody of any person and may store and re-deliver any goods which are so prohibited or are subject to and in breach of any such restrictions.
- (3) A person who is in breach of the byelaw in paragraph (1) above shall be liable to Eurotunnel for any costs incurred by it in removing, storing or redelivering any such goods, in addition to any penalty to which that person may be liable under these byelaws. Eurotunnel shall also have the right to dispose of any such goods removed by it and not collected within 3 months of such removal.

10. LOST PROPERTY

- (1) Eurotunnel may take possession of any property found within the tunnel system and appearing to it to be lost or not in the immediate custody of any person, and may detain and store such property until it is collected by or on behalf of its rightful owner.
- (2) Any person claiming the return of any such property shall be liable for the costs of removal and storage of it, and for any costs of redelivery. Eurotunnel shall also have the right to dispose of any such property not claimed within 3 months of being taken into its possession.

11. FIRE & SAFETY PRECAUTIONS

- (1) No person shall cause or permit a fire to occur.
- (2) No person shall smoke or bring a naked flame or light into or create any flame or light any naked light in
 - (a) any shuttle train (whether or not inside a vehicle on such a train):

- (b) any place within fifteen metres of any store of liquid fuel, or explosives or other inflammable substance; or
 - (c) any other place where any such act is prohibited by notice.
- (3) No person shall, except in an emergency, operate any switch or lever of any escalator, lift or any other automatic conveyance for vehicles or passengers on or near which is displayed a notice stating that it is intended only to be operated in an emergency.
 - (4) No person shall, except in an emergency, use any fire fighting equipment or other equipment provided for use in an emergency.
 - (5) No person shall disregard any safety notice.

12. ANIMALS

- (1) No person shall take an animal into any shuttle train or any other part of the tunnel system unless the animal is conveyed and at all times kept in a vehicle, or its presence is otherwise authorised by Eurotunnel.
- (2) No person who is the owner or handler of, or person responsible for, any animal, shall fail to keep it under control or permit it to foul any shuttle train, footpath, building or other part of the tunnel system.
- (3) No person shall cause or permit any animal to be on a shuttle train or in any other part of the tunnel system for longer than is necessary for the safe and orderly removal of that animal from the tunnel system after having been requested to remove it by a constable or a person authorised for the purpose by Eurotunnel.
- (4) No person shall graze animals on the Terminal.

13. PENALTIES

Any person contravening any of these byelaws shall be liable on summary conviction to a fine which, in respect of a contravention of byelaws 4(1), 4(6), 4(7), 4(8), 4(11), 4(12), 4(13), 6(2), 7(3), 7(5), 9(1), 11(1), 11(2), 11(3), 11(4) or 11(5) shall not exceed level 4 on the standard scale, in respect of a contravention of byelaws 4(2), 4(3), 4(4), 4(5), 4(9), 4(10), 5(1), 5(2), 6(1), 6(3), 6(4), 6(5), 7(1), 7(2), 7(4), 7(6), 7(7), 7(8), 8(2), 8(3), 8(4), 8(5), 8(6), 8(7), 8(8), 8(9), 8(10), 8(13), 8(14), 8(15), 12(1), 12(2), 12(3) or 12(4) shall not exceed level 3 of the standard scale and, in respect of a contravention of any other byelaw, shall not exceed level 2 on that scale.

14. DEFENCES

In any proceedings under these byelaws it shall be a defence for a person to prove that -

- (a) he had lawful authority or reasonable excuse for his actions; or
- (b) he took all due care and exercised all due diligence to avoid the commission of an offence.