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STATUTORY INSTRUMENTS

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**1994 No. 576**

**TRANSPORT**

**The Railways (Penalty Fares) Regulations 1994**

<i>Made</i>	- - - -	<i>7th March 1994</i>
<i>Laid before Parliament</i>		<i>8th March 1994</i>
<i>Coming into force</i>	- -	<i>1st April 1994</i>

The Secretary of State, in exercise of the powers conferred on him by sections 130, 143(3) and 143(4) of the Railways Act 1993(1), hereby makes the following Regulations:

**Citation and commencement**

- 1.—(1) These Regulations may be cited as the Railways (Penalty Fares) Regulations 1994.
- (2) These Regulations shall come into force on 1st April 1994.

**Interpretation**

- 2.—(1) In these Regulations—

“authorised collector” means a person authorised to be a collector by or under rules;

“compulsory ticket area” means any area at a station identified by a notice which indicates that persons may not enter that area without being able to produce a ticket or other authority authorising travel on a train arriving at or departing from that area or otherwise authorising entry into that area;

“operator”, in relation to any train, means the person having the management of that train for the time being and, in relation to any station, means the person having the management of that station for the time being, and “operated” shall be construed accordingly;

“preceding train” means a train—

- (a) by which a person travelled before changing to the train by which he is travelling, on which he is present or which he is leaving for the purposes of these Regulations; and
- (b) which was operated by the operator of the train to which that person changed;

“rules” means rules made by the Regulator under regulation 11;

“section 130” means section 130 of the Railways Act 1993.

(2) In these Regulations any reference to a person leaving a train includes a person present in or leaving a compulsory ticket area having left a train arriving at that compulsory ticket area.

(3) Where the terms on which a ticket or other authority is issued require the holder to produce on request any other document when using that ticket or other authority, any reference in these Regulations to a ticket or other authority includes such a document.

(4) In these Regulations, where the context so admits, any reference to a ticket or other authority includes a ticket or other authority valid for the class of travel used or being used by the holder of that ticket or other authority.

(5) In these Regulations, any reference to a numbered regulation shall mean the regulation bearing that number in these Regulations and any reference in a regulation to a numbered paragraph is a reference to the paragraph bearing that number in that regulation.

### **Requirement to produce a ticket**

3.—(1) Subject to the provisions of these Regulations and to rules, any person present travelling by, present on or leaving a train shall, if required to do so by or on behalf of the operator of that train in accordance with these Regulations and with rules, produce a ticket or other authority authorising his travelling by or his being present on that train, as the case may be.

(2) Subject to the provisions of these Regulations and to rules, any person present in or leaving a compulsory ticket area, other than a person leaving a train, shall, if required to do so by or on behalf of the operator of a train in accordance with these Regulations and with rules, produce a ticket or other authority authorising him to be present in or leave that compulsory ticket area.

(3) Any requirement imposed pursuant to this regulation shall be imposed by an authorised collector in the manner specified in rules.

### **Charge to a penalty fare**

4.—(1) Subject to the provisions of these Regulations and to rules, where a person fails to produce a ticket or other authority when required to do so by or on behalf of an operator pursuant to regulation 3, that operator, or any person acting on behalf of that operator, may charge that person a penalty fare.

(2) Nothing in these Regulations or in rules shall authorise the operator of a train or a person acting on behalf of him to charge a penalty fare in respect of:

- (a) travel by, presence on or leaving a train other than a train operated by that operator; or
- (b) presence in or leaving a compulsory ticket area unless it is a compulsory ticket area at which a train operated by that operator has arrived or from which such a train will depart.

(3) Any charge made pursuant to this regulation shall be imposed by an authorised collector in the manner specified in rules.

(4) The amount of any penalty fare charged in accordance with these Regulations shall be paid in the manner and within the period specified in rules.

### **Amount of a penalty fare**

5.—(1) Subject to paragraph (5), the amount of any penalty fare which may be charged under regulation 4 is £10.00 or twice the amount of the full single fare applicable in the case, whichever is the greater.

(2) The full single fare applicable in the case of a person charged a penalty fare while travelling by, being present on or leaving a train, having travelled on or having been present on a preceding train, is the full single fare in respect of a journey from the station (in this regulation referred to as “the first boarding station”), at which that person boarded the preceding train, to the next station at

which the train by which he is travelling or on which he is present is scheduled to stop, or, where that person is leaving the train at a station, that station.

(3) The full single fare applicable in the case of a person, other than a person referred to in paragraph (2), charged a penalty fare while travelling by, being present on or leaving a train is the full single fare in respect of a journey from the station (in this regulation referred to as “the boarding station”), at which that person boarded the train, to the next station at which the train by which he is travelling or on which he is present is scheduled to stop, or, where that person is leaving the train at a station, that station.

(4) Where the first boarding station or, as the case may be, the boarding station is not known to the authorised collector, the full single fare applicable in the case of a person charged a penalty fare while travelling by, being present on or leaving a train is the full single fare in respect of a journey from the station at which the train last made a scheduled stop, to the next station at which the train by which he is travelling or on which he is present is scheduled to stop, or, where that person is leaving the train at a station, that station.

(5) The amount of any penalty fare which may be charged under regulation 4 to a person present in or leaving a compulsory ticket area, other than a person leaving a train, is £10.00.

#### **Circumstances in which a penalty fare is not to be charged where a person is travelling on a train**

6.—(1) Subject to the provisions of paragraph (3), in the case of a person travelling by, being present on or leaving a train (in this regulation referred to as “the relevant train”), no person shall be charged a penalty fare in the circumstances to which this regulation applies.

(2) The circumstances to which this regulation applies are that, at the time when and at the station where the person in question boarded the relevant train, or, in the case where a person has boarded the relevant train after travelling on a preceding train, that, at the time when and at the station where the person in question boarded that preceding train,

- (a) there were no facilities in operation for the sale of the appropriate ticket or other authority to make the journey being or having been made by that person;
- (b) the requirements of rules in respect of the display of notices were not satisfied;
- (c) a notice was displayed indicating that the person in question was, or persons generally were, permitted to travel by or be present on the relevant train or, as the case may be, the preceding train without having a ticket or other authority; or
- (d) a person acting or purporting to act on behalf of
  - (i) the operator of the relevant train, or
  - (ii) the operator of the station in question,

indicated that the person in question was, or persons generally were, permitted to travel by or be present on the relevant train or, as the case may be, any preceding train without having a ticket or other authority.

(3) Paragraphs (1) and (2) of this regulation shall not prevent a person from being charged a penalty fare where he had been invited by anybody acting on behalf of the operator of the relevant train or any preceding train to obtain a ticket or other authority while travelling on or present on the relevant train or that preceding train.

#### **Circumstances in which a penalty fare is not to be charged where a person is in a compulsory ticket area**

7.—(1) No person present in or leaving a compulsory ticket area, but who is not leaving a train, shall be charged a penalty fare in the circumstances to which this regulation applies.

- (2) The circumstances to which this regulation applies are that—
- (a) there were no facilities in operation at the station (in this regulation referred to as “the relevant station”) of which the compulsory ticket area formed part for the sale of the appropriate ticket or other authority to be present in that compulsory ticket area;
  - (b) the requirements of rules with respect to the display of notices were not satisfied in relation to that compulsory ticket area;
  - (c) a notice was displayed at the relevant station indicating that the person in question was, or persons generally were, permitted to be present in that compulsory ticket area without having a ticket or other authority; or
  - (d) a person acting or purporting to act on behalf of
    - (i) the operator of any train departing from that compulsory ticket area, or
    - (ii) the operator of the relevant station
 indicated that the person in question was, or persons in general were, permitted to be present in that compulsory ticket area without having a ticket or other authority.

### **Recovery of a penalty fare as a civil debt**

**8.** The amount of any penalty fare charged in accordance with these Regulations and rules and not paid within the period specified in rules in accordance with regulation 4(4) may be recovered from the person charged as a civil debt. Relevant statement.

**9.—(1)** Where a person charged a penalty fare has in due time provided the operator by or on whose behalf the penalty fare was charged with a relevant statement, in any proceedings for the recovery of that penalty fare, it shall be for that operator to show that any of the facts described in the relevant statement is not true.

- (2) A relevant statement is a statement in writing informing the operator in question —
- (a) in the case of a person charged a penalty fare in circumstances where he was travelling by, present on or leaving a train —
    - (i) of the train and of any preceding train by which he was travelling or had travelled or on which he was present or had been present;
    - (ii) of the station and the time at which he boarded that train and any preceding train and, other than in the case of his leaving a train at a station, the station at which he intended to leave that train;
    - (iii) whether any of the circumstances described in regulation 6(2) arose in relation to the station at which he boarded the train and any preceding train, and, if so, which;
  - (b) in the case of a person charged a penalty fare in circumstances where he was present in or leaving a compulsory ticket area but was not leaving a train —
    - (i) whether he was proposing to travel by train, and if so, by which train and to which station, and if not so proposing to travel, the reason for his presence in the compulsory ticket area;
    - (ii) whether any of the circumstances described in regulation 7(2) arose in relation to the station of which the compulsory ticket area formed part and, if so, which.

(3) For the purpose of paragraph (1) a relevant statement is provided in due time if it is provided at any time within the period of 21 days commencing with the day on which the person was charged a penalty fare.

### **Exclusion of double liability.**

**10.**—(1) Where a person has been charged a penalty fare in respect of his failure to produce a ticket or other authority when required to do so pursuant to regulation 3, and, arising from that failure, proceedings are brought against that person in respect of any of the offences specified in paragraph (2), that person shall cease to be liable to pay the penalty fare which he has been charged, and, if he has paid it, the operator by or on whose behalf the penalty fare was charged shall be liable to repay to him an amount equal to the amount of that penalty fare.

(2) The offences mentioned in paragraph (1) are an offence under section 5(3)(a) or (b) of the Regulation of Railways Act 1889<sup>(2)</sup>, or an offence under any byelaw made under section 67 of the Transport Act 1962<sup>(3)</sup> or section 129 of the Railways Act 1993 in respect of:

- (a) his travelling by, or his presence on, a train without having previously paid his fare, or, having paid his fare for a certain distance, his travelling beyond that distance without previously paying the additional fare for the additional distance;
- (b) his travelling by, or his presence on, a train without a ticket or other authority entitling him to travel by or be present on a train;
- (c) his presence in part of a station without a ticket or other authority authorising him to be present there.

### **Power for the Regulator to make rules**

**11.**—(1) Subject to the provisions of these Regulations, the Regulator may make rules to make provision for and in connection with—

- (a) the imposition of requirements on persons travelling by, being present on or leaving trains or being present in or leaving compulsory ticket areas to produce a ticket or other authority authorising them to travel by, or be present on or leave the train in question or to be present in or leave the compulsory ticket area in question; and
- (b) the charging of persons in breach of such requirements to penalty fares;

and, subject to paragraph (2), with respect to any of the matters referred to in subsections (2) and (4) of section 130.

(2) Nothing in these Regulations shall confer on the Regulator power to make rules to make provision for or with respect to any matter specified in paragraph (d), (l) and (o) of subsection (2), or subsection (7), of section 130.

(3) Rules made pursuant to this regulation shall have effect as if they were regulations.

### **Requirement for a person to give his name and address**

**12.**—(1) A person charged a penalty fare pursuant to regulation 4 shall give his name and address to the authorised collector when so required.

(2) Any person who fails to give his name and address in accordance with paragraph (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

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(2) 1889 c. 57.

(3) 1962 c. 46.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Signed by authority of the Secretary of State for Transport

Department of Transport  
7th March 1994

*Roger Freeman*  
Minister of State,

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision for the charging of penalty fares for failure to produce, when required to do so, a ticket or other authority authorising a person to travel by train or to be present in a compulsory ticket area at a station. They also empower the Rail Regulator to make rules governing the charging and imposition of penalty fares.

Regulation 3 imposes the requirement on any person travelling by train or being present in or leaving a compulsory ticket area to produce a ticket or other authority to travel or be in a compulsory ticket area, when required to do so by an authorised collector. Regulation 4 provides that, if any person fails to comply with the requirement imposed by regulation 3, then that person shall be liable to a penalty fare. Regulation 5 makes provision for the amount of the penalty fare to be charged.

Regulations 6 and 7 contain provisions setting out the circumstances in which a penalty fare is not to be charged.

Regulation 8 provides that a penalty fare may be recovered as a civil debt. Regulation 9 provides that, if a relevant statement is provided to the person charging the penalty fare, then it shall be for that person to show that any of the facts contained in the statement are not true. Regulation 9 also contains provisions about what a relevant statement should contain and the time within which it should be provided.

Regulation 10 contains provision preventing a person from being liable to a penalty fare in the event that he is prosecuted for any of the offences specified in that regulation. Regulation 11 empowers the Rail Regulator to make rules relating to penalty fares. Regulation 12 requires a person to give his name and address when required to do so by an authorised collector and creates the offence of failing to do so.