

2005 No. 1095

TRANSPORT

The Railways (Penalty Fares) (Amendment) Regulations 2005

<i>Made</i> - - - -	<i>4th April 2005</i>
<i>Laid before Parliament</i>	<i>5th April 2005</i>
<i>Coming into force</i> - -	<i>3rd May 2005</i>

The Secretary of State, in exercise of the powers conferred upon him by section 130(1), (2)(d) and 2(o) of the Railways Act 1993(a), and after consulting with the Mayor of London in accordance with section 130(9A)(b), hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Railways (Penalty Fares) (Amendment) Regulations 2005.

(2) These Regulations shall come into force on 3rd May 2005.

Amendment of the Railways (Penalty Fares) Regulations 1994

2.—(1) The Railways (Penalty Fares) Regulations 1994(c) shall be amended as follows.

(2) In regulation 5(1), for “£10.00” substitute “£20.00”.

(3) In regulation 5(5), for “£10.00” substitute “£20.00”.

(4) In regulation 10(2), for “or section 129 of the Railways Act 1993” substitute “section 129 of the Railways Act 1993 or section 219 of the Transport Act 2000(d)”.

Signed by authority of the Secretary of State for Transport

4th April 2005

Tony McNulty
Minister of State
Department for Transport

(a) 1993 c.43. Section 130 was amended by the Greater London Authority Act 1999 (c.29), section 206, and by the Transport Act 2000 (c.38), section 216 and Schedule 17 (paragraphs 17 and 30).

(b) Section 130(9A) was inserted by the Greater London Authority Act 1999, section 206.

(c) S.I. 1994/576.

(d) 2000 c.38.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Railways (Penalty Fares) Regulations 1994 (S.I. 1994/576) (“the 1994 Regulations”).

Regulation 2 amends regulation 5 of the 1994 Regulations so as to replace the references in regulation 5(1) and 5(5) to “£10.00” with references to “£20.00”.

Regulation 5 sets the amount which can be charged as a penalty fare under regulation 4 of the 1994 Regulations. Following the amendments in these Regulations, the amount of any penalty fare which may be charged to a person present in or leaving a compulsory ticket area (other than a person leaving a train) shall be raised to £20.00, and the amount of any penalty fare which may be charged to a person in other circumstances shall be either £20.00 or twice the amount of the full single fare applicable in the case, whichever is the greater.

Regulation 2 also amends regulation 10 of the 1994 Regulations. Regulation 10 (Exclusion of double liability) provides that where proceedings are brought against a person for specified types of offence in respect of a failure to produce a ticket or other authority to travel when required to do so, that person shall cease to be liable for any penalty fare which he has been charged in respect of that failure and for the repayment of the penalty fare if it has already been paid. Regulation 2(4) amends regulation 10(2) so that the types of offence specified for this purpose include an offence under any byelaw made under section 219 of the Transport Act 2000.

As these Regulations have the effect of varying the amount, or the greatest amount, which a person travelling within, or travelling to or from, Greater London may be charged by way of penalty fare, the Secretary of State has consulted the Mayor of London before making these Regulations, in accordance with section 130(9A) of the Railways Act 1993.

A full Regulatory Impact Assessment has been prepared on the effect of these Regulations on the costs of business. A copy of that assessment has been placed in the library of both Houses of Parliament. Copies may be obtained from the Department for Transport, Great Minster House, 76 Marsham Street, London SW1P 4DR. The assessment may also be accessed by visiting the website of HMSO at www.hmso.gov.uk.

£3.00

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under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

E0772 4/2005 150772T 19585

ISBN 0-11-072792-4



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