
STATUTORY INSTRUMENTS

2018 No. 366

The Railways (Penalty Fares) Regulations 2018

PART 4

Final provisions

Revocation

- 19.** The following instruments are revoked—
- (a) the 1994 Regulations; and
 - (b) the Railways (Penalty Fares) (Amendment) Regulations 2005⁽¹⁾.

Transitional Provisions

20.—(1) A penalty fare charged under the 1994 Regulations (a “pre-commencement penalty fare”) is to be treated as having been charged under these Regulations.

(2) For the purposes of regulation 14 the operator concerned is treated as having satisfied the appeals requirements, which are particularised in regulation 14(5), at the time that a pre-commencement penalty fare was charged.

(3) Where a person who has been charged a pre-commencement penalty fare made an appeal within the period of 21 days, beginning with the day on which that penalty fare was charged, and that appeal has not been finally determined before 6th April 2018—

- (a) the person is to be treated as having made an appeal to the relevant Appeal Panel under, and in compliance with, regulation 16 on the ground set out in regulation 16(3)(d); and
- (b) the relevant Appeal Panel may request any further particulars required in order to determine the appeal in accordance with the Appeal Procedure.

(4) Where a person who has been charged a pre-commencement penalty fare has not made an appeal, but the period of 21 days, beginning with the day on which that penalty fare was charged, has not ended before 6th April 2018—

- (a) the pre-commencement penalty fare is to be treated for the purposes of these Regulations as if it were charged on 6th April 2018; and
- (b) these Regulations have effect as if regulation 16(3)(a) were omitted.

(5) Any person who, immediately before the coming into force of these Regulations, would be treated as an authorised collector⁽²⁾ entitled to charge a penalty fare on behalf of an operator under the 1994 Regulations (“an existing collector”), is to be treated as a collector who has been authorised to charge a penalty fare on behalf of that same operator for the purpose of these Regulations.

(6) Any document issued as identification, prior to the coming into force of these Regulations, by an operator to an existing collector, for the purpose of proving the collector was authorised to

(1) S.I. 2005/1095.

(2) See S.I. 1994/576, regulation 2(1) for the definition of “authorised collector”.

collect penalty fares, shall be treated as if it were identification containing the information specified in Part 2 of Schedule 1, for a period of 90 days beginning with the day following the day on which these Regulations come into force.