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STATUTORY INSTRUMENTS

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**2018 No. 366**

**The Railways (Penalty Fares) Regulations 2018**

**PART 2**

**Penalty Fares**

**Penalty fares**

5.—(1) Subject to regulations 6, 7 and 10, if a person fails to produce a platform ticket or a valid travel ticket in accordance with regulation 4, a collector may charge that person a penalty fare.

(2) Where a collector charges a penalty fare to a person under paragraph (1), the collector must provide that person with the following information in writing at the time the penalty fare is charged—

- (a) a statement that the person is being charged a penalty fare;
- (b) an explanation of why the person is being charged a penalty fare;
- (c) the identification number of the collector;
- (d) the name of the operator on whose behalf the penalty fare is charged;
- (e) the penalty fare number;
- (f) the amount of the penalty fare;
- (g) a statement that the person has the right to appeal against the penalty fare and an explanation of how the person can appeal;
- (h) a statement that the person must either pay, or appeal against, the penalty fare within 21 days beginning with the day following the day on which the penalty fare is charged;
- (i) an explanation of how the penalty fare may be paid; and
- (j) a statement that the person is entitled to a receipt if they pay the penalty fare.

[<sup>F1</sup>(2A) in respect of England, the information provided by the collector must also include—

- (a) in respect of the amount of the penalty fare—
  - (i) the reduction in the amount of the penalty fare if it is paid within 21 days beginning with the day following the day on which the penalty fare is charged; and
  - (ii) the fact that the 21 days to pay the reduced amount of the penalty fare does not include any time on appeal;
- (b) where the penalty fare authorises a person to travel, the station to which the penalty fare authorises the person to travel.]

(3) Where a person who is charged a penalty fare under paragraph (1) pays the penalty fare, or part of it, that person must immediately be issued with written confirmation that the penalty fare in question has been paid, or paid in part, as the case may be.

(4) Where a person described in paragraph (3) is not provided with written confirmation of payment, that person is entitled to an immediate refund of the amount paid, but that person remains liable for the full amount of the penalty fare in accordance with these Regulations.

(5) <sup>F2</sup>Subject to paragraph (6)]<sup>F2</sup>Subject to paragraphs (5A) and (6)], a penalty fare charged under paragraph (1) to a person travelling by or present on a train authorises that person to—

- (a) travel by that train as far as, but no further than, the next station at which the train is due to make a scheduled call; and
- (b) exit the relevant station described in sub-paragraph (a), including exiting through any compulsory ticket area.

<sup>F3</sup>(5A) In respect of England, the penalty fare charged under paragraph (1) to a person travelling by or present on a train authorises a person to travel to—

- (a) a station in England at which the train is due to make a scheduled call that they may specify, if the collector considers that this is reasonable in all the circumstances; or
- (b) otherwise, the next station at which the train is due to make a scheduled call.]

(6) <sup>F4</sup>Subject to paragraph (5A),] Paragraph (5) does not apply where, at the time a penalty fare is charged under paragraph (1), the train is stationary at a station and there is sufficient opportunity for the person charged to leave the train at that station.

(7) A penalty fare charged under paragraph (1)—

- (a) in the circumstances described at paragraph (6); or
- (b) to a person who is leaving a train,

authorises that person to leave the train and exit the station, including exiting through any compulsory ticket area.

(8) <sup>F5</sup>Subject to paragraph (8A),] Where a person present in or leaving a compulsory ticket area, other than as a result of leaving a train that arrived at that compulsory ticket area, is charged a penalty fare under paragraph (1), that penalty fare authorises that person to leave the compulsory ticket area and exit the station of which the compulsory ticket area forms part.

<sup>F6</sup>(8A) in respect of England, where a person present in or leaving a compulsory ticket area, other than as a result of leaving a train that arrived at that compulsory ticket area, is charged a penalty fare under paragraph (1), that penalty fare authorises that person—

- (a) where they do not intend to board a train for the purpose of travel, to leave the compulsory ticket area and exit the station of which the compulsory ticket area forms part;
- (b) where they do intend to board a train for the purpose of travel, to board a train that calls at that station, and to travel—
  - (i) to a station in England at which that train is due to make a scheduled call that they may specify, if the collector considers that this is reasonable in all the circumstances; or
  - (ii) otherwise, to the next station at which that train is due to make a scheduled call.]

(9) Paragraphs (5) to (8) apply whether or not any payment has been made in respect of the penalty fare charged.

#### Textual Amendments

- F1** Reg. 5(2A) inserted (E.) (23.1.2023) by [The Railways \(Penalty Fares\) \(Amendment\) Regulations 2022 \(S.I. 2022/1094\)](#), regs. 1(b), **4(1)**
- F2** Words in reg. 5(5) substituted (E.) (23.1.2023) by [The Railways \(Penalty Fares\) \(Amendment\) Regulations 2022 \(S.I. 2022/1094\)](#), regs. 1(b), **4(2)**
- F3** Reg. 5(5A) inserted (E.) (23.1.2023) by [The Railways \(Penalty Fares\) \(Amendment\) Regulations 2022 \(S.I. 2022/1094\)](#), regs. 1(b), **4(3)**

- F4** Words in reg. 5(6) inserted (E.) (23.1.2023) by The Railways (Penalty Fares) (Amendment) Regulations 2022 (S.I. 2022/1094), regs. 1(b), 4(4)
- F5** Words in reg. 5(8) inserted (E.) (23.1.2023) by The Railways (Penalty Fares) (Amendment) Regulations 2022 (S.I. 2022/1094), regs. 1(b), 4(5)
- F6** Reg. 5(8A) inserted (E.) (23.1.2023) by The Railways (Penalty Fares) (Amendment) Regulations 2022 (S.I. 2022/1094), regs. 1(b), 4(6)

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**Commencement Information**

- I1** Reg. 5 in force at 6.4.2018, see **reg. 1(b)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Railways (Penalty Fares) Regulations 2018, Section 5.