

Penalty Fares Rules

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1 The rules

- 1.1 The SRA has made these rules under regulation 11 of the Railways (Penalty Fares) Regulations 1994. The Railways (Penalty Fares) Regulations 1994 were made under section 130 of the Railways Act 1993, as amended by the Transport Act 2000.
- 1.2 These rules may be referred to as the ‘Penalty Fares Rules 2002’.
- 1.3 These rules will apply from 1 May 2002.

2 Definitions

In these rules, the terms below have the following meanings, unless we tell you otherwise.

- a The ‘Act’ means the Railways Act 1993, as amended by the Transport Act 2000.
- b The ‘Regulations’ means the Railways (Penalty Fares) Regulations 1994 (S.I. 1994/576).
- c ‘Approved penalty fares scheme’ means a scheme for charging penalty fares which the SRA has approved under rule 3, including any changes to that scheme which the SRA has approved under rule 11.
- d ‘Penalty fares train’ means a train for which penalty fares may be charged, in line with an approved penalty fares scheme and with these rules, to passengers without a valid ticket who have boarded at a penalty fares station.
- e ‘Penalty fares station’ means a station where, if a person without a valid ticket boards a train which is a penalty fares train, he or she may have to pay a penalty fare in line with an approved penalty fares scheme and with these rules.

- f 'Authorised collector' means a person who is allowed to collect penalty fares on behalf of a train operator in line with rule 5.
- g 'Compulsory ticket area' means any area at a station identified by a notice which indicates that people may not enter that area without a ticket or other authority allowing them to enter that area, or to travel on a train arriving at or departing from that area.
- h 'Operator', in relation to any train or station, means the person who must hold a licence or licence exemption to operate that train or station under section 6 of the Act.
- i 'National Rail Conditions of Carriage' means the National Rail Conditions of Carriage approved by the Rail Regulator and which came into effect on 20 February 2000, as amended from time to time with the SRA's approval, or any other conditions of carriage which apply to the journey being made.
- j 'SRA penalty fares policy statement' means a statement of policy about penalty fares schemes which the SRA may publish from time to time.
- k Any reference to a person leaving a train includes a person who is present at, or who is leaving, a station after they have left a train arriving at that station.
- l Any reference to a person leaving a train includes a person who is present in, or who is leaving, a compulsory ticket area after leaving a train which arrived at that compulsory ticket area.
- m Any reference to a 'passenger' includes anyone who is in a compulsory ticket area, whether or not they have travelled, or intend to travel, on a train.

- n If a ticket or other authority is only valid for travel when it is used with another document (such as a photocard or railcard), a reference to a ticket includes this document.
- o For the purposes of rules 7.2 and 7.3, if a person has changed onto the relevant train from a previous train which was also a penalty fares train under the same approved penalty fares scheme, a reference to the station where the person got on the train means the station where that person got on the first train.
- p Unless we tell you otherwise, words and expressions defined in the Act or in the Regulations have the same meanings in these rules.
- q Headings are for convenience only and are not part of the rules.

3 Setting up a penalty fares scheme

- 3.1 Operators may only charge penalty fares in line with an approved penalty fares scheme.
- 3.2 Any train operator who wants to introduce a penalty fares scheme must do the following.
 - a Send a notice, at least three months before the date on which it is proposed to begin charging penalty fares, to:
 - i the SRA;
 - ii the Rail Passengers Committee for any area in which the proposed scheme will apply; and
 - iii the relevant Passenger Transport Executive, if an operator wants a train service which is sponsored by a Passenger Transport Executive, or which passes

through an area covered by a Passenger Transport Executive, to become a penalty fares train.

The notice must explain the reasons for wanting to introduce a penalty fares scheme, and must give the date on which the operator proposes to start charging penalty fares.

- b Send a description of the proposed scheme with the notice which sets out:
 - i the train services which will become penalty fares trains for the purposes of the scheme;
 - ii the stations which will become penalty fares stations for the purposes of the scheme;
 - iii the stations where there will be compulsory ticket areas, and the location and extent of these areas;
 - iv the ticket selling facilities available at each penalty fares station;
 - v the arrangements for publicising the penalty fares scheme and for displaying warning notices in line with rule 4;
 - vi the procedures for selecting, training, briefing and refresher training the people who are to be appointed as authorised collectors;
 - vii the systems and procedures to allow authorised collectors to check that ticket selling facilities are available and that warning notices are correctly displayed at each penalty fares station for the purpose of rule 7;
 - viii the arrangements for selling tickets on board penalty fares trains;

- ix any arrangements which will apply between the operator and any other operator relating to:
 - collecting penalty fares at stations which are served by more than one operator; and
 - charging penalty fares in connection with a compulsory ticket area at a station which is served by trains of more than one operator; and
 - x the arrangements for processing and deciding appeals.
- c Send with the description of the scheme a copy of the written instructions and information which will be given to each authorised collector, containing guidance and setting rules about their appearance, behaviour and how to use discretion.
- 3.3 The SRA will consider the proposed scheme, taking account of all relevant matters including the policy set out in the SRA penalty fares policy statement. The SRA may, after consulting any Rail Passengers Committee and Passenger Transport Executive referred to in rule 3.2, approve or reject the proposed scheme, giving notice to the operator in writing. The SRA will send a copy of this notice to everyone who received a copy of the notice referred to in rule 3.2.
- 3.4 If the SRA approves the proposed scheme, the operator must arrange for notices to be displayed in clearly visible positions at each station which is to become a penalty fares station, advising passengers that a penalty fares scheme is to be introduced. These notices must be displayed for at least three weeks before the scheme is introduced, and must be in line with rule 4.3.

- 3.5 If an operator proposes to give, or has given, notice that they want to introduce a penalty fares scheme, the SRA may shorten the notice period required by rule 3.2, as long as each relevant Rail Passengers Committee and Passenger Transport Executive agrees.

4 Displaying warning notices

- 4.1 An operator who wants to charge penalty fares must make sure that warning notices are displayed at every penalty fares station. These warning notices must be in line with rule 4.3, and must be displayed so that at least one notice can be clearly seen by any passenger joining any penalty fares train or changing onto a penalty fares train from any other train.
- 4.2 An operator who wants to charge penalty fares must make sure that a warning notice is displayed at each entrance of each compulsory ticket area. These warning notices must be in line with rule 4.3.
- 4.3 Warning notices must:
- i be noticeable, easy to read and easy to distinguish from other notices and from the general surroundings;
 - ii explain clearly when a penalty fare may be charged;
 - iii give the amount or maximum amount of any penalty fare;
 - iv meet any requirement contained in the operator's approved penalty fares scheme; and
 - v follow a code of practice approved by the SRA for the purposes of this rule.
- 4.4 If asked to do so by a train operator, a station operator must provide facilities to display warning notices so that the train operator can obey rule 4. The train operator must pay the costs involved.

5 People who may charge penalty fares

- 5.1 In line with the Act, the Regulations and these rules, penalty fares may be charged by, or on behalf of, the operator of any train.
- 5.2 No-one except an authorised collector may collect penalty fares on behalf of any operator.
- 5.3 A person will only be an authorised collector for any penalty fares train if he or she has been individually authorised by, or on behalf of, the operator of that train to collect penalty fares in line with an approved penalty fares scheme and this authorisation is still valid.
- 5.4 Each authorised collector must carry, and produce if asked, identification which proves that he or she is authorised to collect penalty fares on behalf of a specific operator or operators. This identification must be in line with a code of practice approved by the SRA for the purposes of this rule. Authorised collectors must allow passengers to make a note of the relevant details of their identification and authority.
- 5.5 If, at any time, the SRA is not satisfied that a person is a fit and proper person to be an authorised collector, the SRA may send a notice to the relevant operator requiring them to withdraw that person's authority to collect penalty fares.

6 People who may be charged a penalty fare

- 6.1 Any person travelling by, present on or leaving a penalty fares train must, if asked by an authorised collector, produce a valid ticket or other authority for the journey they have made or are making.
- 6.2 If a person fails to produce a valid ticket or other authority in line with rule 6.1, the authorised collector may charge that person a penalty fare, in line with the Regulations and these rules.

- 6.3 Any person who is present in a compulsory ticket area intending to board a train must, if asked by an authorised collector, produce a valid ticket or other authority for the journey which they intend to make on that train.
- 6.4 Any person who is present in, or leaving, a compulsory ticket area, other than a person referred to in rule 6.1 or 6.3, must, if asked by an authorised collector, produce a valid ticket or other authority allowing them to be present in that compulsory ticket area.
- 6.5 If a person fails to produce a valid ticket or other authority in line with rule 6.3 or 6.4, the authorised collector may charge that person a penalty fare, in line with the Regulations and these rules.
- 6.6 The amount of any penalty fare must be as set out in the Regulations.
- 6.7 For the purposes of rule 6.2, a ticket or other authority is not valid for a journey if it is not valid for the class of travel used on that journey.

7 Circumstances in which a penalty fare may not be charged

- 7.1 Operators may only charge penalty fares to people who are:
 - a travelling by, present on or leaving a train which is named as a penalty fares train by an approved penalty fares scheme;
 - or
 - b present in, or leaving, a compulsory ticket area which is named as part of an approved penalty fares scheme.
- 7.2 An authorised collector must not charge a penalty fare under rule 6.2 if the person joined the train at a station which is not named as a penalty fares station by the relevant approved penalty fares scheme.

- 7.3 An authorised collector must not charge a penalty fare under rule 6.2 if any of the following circumstances applied at the station where the person joined the relevant train.
- a There were no facilities available to issue the appropriate ticket or other authority for the journey which that person wanted to make.
 - b Warning notices were not displayed in line with rule 4.
 - c A notice was displayed which indicated that passengers were allowed to board that train without a ticket or other authority to travel.
 - d A person acting, or appearing to act, on behalf of the operator of that train or station indicated that the person was, or people generally were, allowed to board that train without a ticket or other authority to travel.
- 7.4 An authorised collector must not charge a penalty fare under rule 6.5 if, when the person entered the compulsory ticket area:
- a there were no facilities available for selling the appropriate ticket or other authority for the journey the person wanted to make or for entering the compulsory ticket area;
 - b warning notices were not displayed at the entrances to the compulsory ticket area in line with rule 4;
 - c a notice was displayed which indicated that people were allowed to board the relevant train or enter the compulsory ticket area without a ticket or other authority to do so; or
 - d a person acting, or appearing to act, on behalf of the operator of the relevant train or of that station indicated that the person was, or people generally were, allowed to board that train or enter the compulsory ticket area without a ticket or other authority to do so.

- 7.5 An authorised collector must not charge a penalty fare to a person travelling in a class of accommodation for which their ticket is not valid if:
- a a notice was displayed which indicated that people with standard class tickets were allowed to travel in that accommodation without further charge or if they paid a specified charge; or
 - b a person acting, or appearing to act, on behalf of the operator of the relevant train indicated that people with standard class tickets were allowed to travel in that accommodation without further charge.
- 7.6 An authorised collector must not charge a penalty fare to a person whose ticket is not valid only because of a published restriction, as described in condition 12 of the National Rail Conditions of Carriage.
- 7.7 Except when he or she is applying rule 6.7, an authorised collector must not charge a penalty fare if this would conflict with the rights given to the person by the National Rail Conditions of Carriage.

8 Arrangements for charging and paying penalty fares

- 8.1 If a person is to be charged a penalty fare, the authorised collector must tell them:
- a that they are to be charged a penalty fare;
 - b why they are being charged a penalty fare;
 - c the amount of the penalty fare; and
 - d that they have the right to appeal against the penalty fare within 21 days.

- 8.2 The authorised collector may require that person to make a minimum payment that is equal to the full single fare which they would have had to pay for their journey if penalty fares had not applied. The person must be given 21 days to pay the rest of the penalty fare, starting on the day that penalty fare is charged. If the penalty fare is not paid in full immediately, it must be paid in any way that is set out in the notice referred to in rule 8.3.
- 8.3 If a person wants to appeal against the penalty fare, or does not pay the penalty fare in full immediately, the authorised collector must give them a written notice setting out:
- a the identity of the authorised collector and the name of the train operator that he or she is acting for;
 - b the amount of the penalty fare and why it has been charged;
 - c the address to which they must send payment;
 - d the ways in which they can pay;
 - e that they must pay within 21 days of receiving the notice;
 - f that they can ask for a copy of these rules and a summary of the operator's approved penalty fares scheme by writing or sending an e-mail to a given address or calling a given phone number; and
 - g that they are entitled to appeal against the penalty fare by sending a written statement to a given address, within 21 days of the day on which the penalty fare is charged, explaining why they should not have to pay the penalty fare.
- 8.4 If a person pays all or part of a penalty fare, the authorised collector must give them a receipt for the payment. The receipt must set out each of the matters listed in rule 8.3.

- 8.5 A receipt given under rule 8.4 or a notice given under rule 8.3 must allow the person to whom it is given to continue the train journey to which it relates to the next scheduled stop or to any other stop shown on that receipt or notice. If the person wants to travel beyond this stop, they must pay the relevant fare from this stop to their destination station as well as the penalty fare. If the receipt or notice is given in connection with a compulsory ticket area, it must allow the person to leave the compulsory ticket area.
- 8.6 If asked by a person who has been charged a penalty fare, an operator must send that person a complete and up-to-date copy of these rules and an appropriate summary of their approved penalty fares scheme.
- 8.7 In line with the Regulations, any operator who collects penalty fares, or on whose behalf penalty fares are collected, may keep the amounts that are collected.

9 Appeals

Every approved penalty fares scheme must include a procedure for passengers to appeal against a penalty fare. Appeals must be processed and decided in line with a code of practice approved by the SRA.

10 Providing information

- 10.1 If asked by the operator of an approved penalty fares scheme, a train or station operator must promptly supply any information available to him or her which is necessary for penalty fares to be charged fairly, efficiently and in line with the Regulations and these rules.
- 10.2 The information which may be asked for under rule 10.1 includes (but is not limited to) information about the ticket

facilities that are available at stations, whether warning notices are correctly displayed at stations, and any other information needed to check the facts if a person who has been charged a penalty fare makes an appeal.

- 10.3 A train or station operator must promptly supply any information or explanations that the SRA asks for in connection with charging or a proposal to charge penalty fares. This includes any information needed by the SRA to investigate complaints or to confirm that an operator is following the Regulations and these rules. It also includes any information needed to decide whether to prevent the charging of penalty fares under rule 13, or to exercise the SRA's powers under rule 5.5. If the SRA asks a Rail Passengers Committee to help it carry out any investigation connected with penalty fares, the operator must reply to any request for information made by the Rail Passengers Committee as if it was made by the SRA.
- 10.4 Any train or station operator (whether or not it charges penalty fares) must promptly meet any requirements placed on him or her by the SRA about displaying warning notices, providing ticket facilities or supplying information, if the SRA considers that this is necessary to allow any other operator to charge penalty fares fairly and effectively. The SRA may set these requirements on the condition that the operator who will benefit must pay the reasonable costs of carrying them out.

11 Changing a penalty fares scheme

- 11.1 If the operator of an approved penalty fares scheme wants to make any changes to that scheme, he or she must apply to the SRA for permission at least six weeks before the proposed date of the change. At the same time, the operator must give the SRA, any Rail Passengers Committee and Passenger Transport

Executive referred to in rule 3.2 a summary of the proposed changes and a revised description of the scheme in line with rule 3.2(b).

- 11.2 The SRA will consider the changes, taking account of all relevant matters including the policy set out in the SRA penalty fares policy statement. The SRA may, after consulting any Rail Passengers Committee and Passenger Transport Executive referred to in rule 3.2, approve or reject the changed scheme by giving the train operator notice, in writing. The SRA will send a copy of the notice to everyone who received the notice referred to in rule 3.2.
- 11.3 If any station stops being a penalty fares station as a result of changes approved under rule 11.2, the operator must make sure that the warning notices provided under rule 4 are removed promptly.
- 11.4 The operator must make sure that any notices, leaflets or other publicity referring to the scheme are promptly amended or replaced to reflect any changes approved under rule 11.2.
- 11.5 If an operator asks permission to change their penalty fares scheme, the SRA may shorten the notice period required by rule 11.1, as long as each relevant Rail Passengers Committee and Passenger Transport Executive agrees.

12 Withdrawing a penalty fares scheme

- 12.1 If the operator of an approved penalty fares scheme wants to withdraw the scheme he or she must give notice, in writing, to:
 - a the SRA;
 - b any Rail Passengers Committee and Passenger Transport Executive referred to in rule 3.2; and
 - c any other operator whose penalty fares scheme may be affected by the withdrawal.

Notice must be given to the SRA, any relevant Rail Passengers Committee and Passenger Transport Executive no later than the date of withdrawal. Other operators must be given enough notice for them to make any necessary changes to their own penalty fares schemes.

- 12.2 The operator must make sure that the warning notices provided under rule 4 are removed as soon as possible after a penalty fares scheme is withdrawn.
- 12.3 If an operator wants to start charging penalty fares again after withdrawing an approved penalty fares scheme under rule 12.1, he or she must follow the process set out in rule 3.
- 12.4 If the operator of an approved penalty fares scheme wants to withdraw part, but not all, of a scheme, they must follow the process set out in rule 11.

13 When the SRA may prevent an operator charging penalty fares

- 13.1 The SRA may issue a prohibition notice preventing an operator from charging penalty fares if it has reasonable grounds for suspecting that the operator is not following any part of the Regulations, these rules or their own approved penalty fares scheme, or is operating their scheme in a way which the SRA reasonably considers does not provide sufficient protection for passengers.
- 13.2 The prohibition notice may prevent an operator from charging penalty fares either completely or in connection with specific penalty fares stations, penalty fares trains or compulsory ticket areas. When a prohibition notice is received, the operator must immediately stop charging penalty fares as set out in the notice, until such time as the SRA withdraws the notice.

- 13.3 The SRA will send a copy of any prohibition notice to:
- a the Secretary of State;
 - b the Rail Passengers Committee for any area in which the operator runs passenger train services; and
 - c the Passenger Transport Executive for any area in which the operator runs passenger train services.

14 Commencement and transitional arrangements

- 14.1 These rules will apply from 1 May 2002 and, except as allowed under rule 14.2, they replace the rules made on 28 April 1997 (the ‘former rules’) which will no longer apply from that date.
- 14.2 Any train operator charging penalty fares under the former rules immediately before these rules come into effect may continue to charge penalty fares to the same extent as they were able to do under the former rules without first following rule 3.2 as long as:
- a within three months of these rules coming into effect, the operator follows the process set out in rule 3.2; and
 - b the SRA approves the train operator’s penalty fares scheme under rule 3.3 no later than six months after it receives the documents referred to in paragraph (a) above.
- 14.3 The SRA may, as a condition of any approval under rule 14.2(b), require the operator to make suitable arrangements to publicise any changes to their scheme.
- 14.4 The code of practice referred to in rules 4.3 and 5.4 must be submitted and approved by the SRA no later than 1 August 2002, or any other date that may be agreed between the SRA and the operators concerned.

Appendix A* : The Railways (Penalty Fares) Regulations 1994

STATUTORY INSTRUMENTS

1994 No. 576

TRANSPORT

The Railways (Penalty Fares) Regulations 1994

Made	7th March 1994
Laid before Parliament	8th March 1994
Coming into force	1st April 1994

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, 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;

* Plain English Campaign’s Crystal Mark does not apply to this appendix

“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 stationindicated 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, or an offence under any byelaw made under

section 67 of the Transport Act 1962 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.

Signed by authority of the
Secretary of State for Transport

Roger Freeman
Minister of State,
Department of Transport
7th March 1994

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Important note: As a result of the Transport Act 2000, the Strategic Rail Authority, rather than the Rail Regulator, now has responsibility for making penalty fares rules. Any reference in these regulations to the Regulator should be taken to refer to the Strategic Rail Authority.

Appendix B*: Wording of Section 130 of the Railways Act 1993 (as amended by the Transport Act 2000)

130. (1) The Secretary of State may by regulations make provision for and in connection with:-

- (a) the imposition of requirements on persons travelling by, present on, or leaving trains or stations to produce, if required to do so by or in accordance with the regulations, a ticket or other authority authorising them to travel by, be present on, or leave the train or station in question; and
- (b) the charging of persons in breach of such requirements to financial penalties (in this section referred to as “penalty fares”) in such circumstances, and subject to compliance with such conditions (if any), as may be prescribed;

and in this section any reference to a ticket or other authority of any description includes a reference to any other document which, under the regulations is required to be produced in conjunction with any such ticket or other authority, for the purpose of demonstrating that the ticket or other authority produced by a person is valid in his case.

(2) Regulations may make provision for or with respect to:-

- (a) the persons who may be charged penalty fares;
- (b) the persons by or on behalf of whom penalty fares may be charged;
- (c) the trains and stations by reference to which penalty fares may be charged;

* Plain English Campaign’s Crystal Mark does not apply to this appendix

- (d) the amount, or the greatest amount, which a person may be charged by way of penalty fare, whether a specified amount or one determined in a prescribed manner;
- (e) the authorising of persons to be collectors;
- (f) the manner in which charges to penalty fares may be imposed by collectors, including any requirements to be complied with by or in relation to collectors;
- (g) the authorising of collectors in prescribed circumstances to require persons on trains or stations to furnish prescribed information;
- (h) the display of prescribed notices in places of a prescribed description;
- (j) the manner in which, and the period within which, any penalty fare charged to a person is to be paid;
- (k) the issue of prescribed documents to persons who are charged, or who have paid, penalty fares;
- (l) the recovery of any unpaid penalty fare as a civil debt, including provision:-
 - (i) for or with respect to defences that are to be available in proceedings for the recovery of an unpaid penalty fare; or
 - (ii) for presumptions of fact to operate, in such proceedings, in favour of the person charged with the penalty fare, but subject to compliance with prescribed procedural requirements;
- (m) the retention, by persons by or on behalf of whom charges to penalty fares are imposed, of sums paid by way of penalty fare;

- (n) the remission of liability to pay penalty fares and the repayment of sums paid by way of penalty fare;
 - (o) the prevention of a person's being liable both to payment of a penalty fare and to prosecution for a prescribed offence;
 - (p) the imposition of prohibitions on the charging of penalty fares by or on behalf of persons who are suspected by the Secretary of State or the Authority, on reasonable grounds, of failing to comply with such requirements imposed by or under the regulations as may be prescribed.
- (3) The documents mentioned in subsection (2)(k) above include any document which consists of or includes:-
- (a) notice of the imposition of a charge to a penalty fare;
 - (b) a receipt for the payment of a penalty fare; or
 - (c) a ticket or other authority to travel by, be present on, or leave a train or station.
- (4) Regulations may impose, or make provision for and in connection with the imposition or enforcement of, prescribed requirements in prescribed circumstances on or against a holder of a passenger licence or station licence or a passenger service operator (whether or not one by or on behalf of whom penalty fares are to be charged); and, without prejudice to the generality of the foregoing, any such regulations may make provision with respect to:-
- (a) the display of notices relating to penalty fares;
 - (b) the provision of facilities for the issue of tickets or other authorities to travel by, be present on, or leave trains or stations;

- (c) the provision of information to prescribed persons or persons of a prescribed class or description.
- (5) The functions which may be conferred on the Authority by regulations include:-
- (a) functions which involve the exercise by him of judgement or a discretion; and
 - (b) functions which empower him in prescribed circumstances to impose such conditions or requirements as he may think fit on prescribed persons or on persons of a prescribed class or description.
- (6) Regulations may confer power on the Authority to make by rules any provision which could be made by the Secretary of State by regulations, other than provision for or with respect to any matter specified in:-
- (a) paragraph (d), (l) or (o) of subsection (2) above; or
 - (b) subsection (7) below;
- and any such rules shall have effect, to such extent as may be prescribed, as if they were regulations.
- (7) Regulations may provide that where information is required to be furnished pursuant to the regulations:-
- (a) a refusal to furnish any such information, or
 - (b) the furnishing of information which is false in a material particular,
- shall, in prescribed circumstances, be an offence punishable on summary conviction by a fine not exceeding level 2 on the standard scale.

- (8) Apart from subsection (7) above, nothing in this section creates, or authorises the creation of, any offence.
- (9) Regulations may make provision for any area within Great Britain and may make different provision for or in relation to different areas.
- (10) Any power of the Authority to make rules under or by virtue of this section includes power to revoke, amend or re-enact any rules so made; and:-
- (a) any such rules may make different provision for different cases; and
 - (b) without prejudice to paragraph (a) above, subsection (9) above shall apply in relation to any such rules as it applies in relation to regulations.
- (11) Subsections (2) to (5) above are without prejudice to the generality of subsection (1) above.
- (12) In this section:-
- “collectors” means the individuals who perform the function (whether as servants or agents or otherwise) of imposing the charge of a penalty fare on the person liable to pay it under the regulations in each particular case;
 - “document”, without prejudice to the generality of the expression, includes any badge, token, or photograph or any other form of identification, certification or authentication;
 - “prescribed” means specified in, or determined in accordance with, regulations;
 - “regulations” means regulations under subsection (1) above;

“station” includes a reference to a part of a station;

“ticket or other authority” shall be construed in accordance with subsection (1) above;

“train” includes a reference to part of a train;

and, subject to that, expressions used in Part I above and in this section have the same meaning in this section as they have in that Part.