



# Midland Metro (Penalty Fares) Act 1991

## 1991 CHAPTER ii

An Act to make provision for the charging of penalty fares in substitution for the proper fares for persons using the Midland Metro without a valid ticket for such use; and for related purposes. [28th February 1991]

Whereas—

- (1) Under the Transport Acts 1968 and 1985 it is the general duty of the West Midlands Passenger Transport Executive (otherwise known as Centro and hereinafter called “the Executive”) to secure the provision of public passenger transport services for meeting public transport requirements of their area in accordance with general policies formulated by the West Midlands Passenger Transport Authority:
- (2) Under the Midland Metro Act 1989 the Executive have been authorised to construct works forming the first stage in the development of a light rail rapid transit network in the West Midlands area in furtherance of that object and the Executive are seeking powers in the present Session for the extension of that network:
- (3) It is expedient that, for discouraging persons from travelling without having paid the proper fare, the provisions of this Act should be enacted:
- (4) The purposes of this Act cannot be effected without the authority of Parliament:
- (5) In relation to the promotion of the Bill for this Act the requirements of section 10 (1) (xxix) of the Transport Act 1968 have been observed:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### 1 Short title

This Act may be cited as the Midland Metro (Penalty Fares) Act 1991.

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## 2 Interpretation

- (1) In this Act, unless the context otherwise requires—
- “authorised person” means, in relation to any purpose, a person authorised for that purpose by the Executive;
  - “the Executive” means the West Midlands Passenger Transport Executive;
  - “fare ticket” means a ticket authorising the person in respect of whom it is issued to travel on the Metro;
  - “general travel authority” means any permit, other than a fare ticket, authorising the person in respect of whom it is issued to travel on the Metro;
  - “the Metro” means the light rail transit system comprising the railways authorised by the Midland Metro Act 1989, including such railways designated as tramways, and all works and conveniences provided in connection with any of those railways as that system is constructed, extended or altered from time to time;
  - “Metro stop” means a station or other regular stopping place on the Metro at which passengers may get on or off Metro vehicles;
  - “Metro vehicle” means a vehicle or carriage used on the Metro;
  - “penalty fare” means a penalty fare payable pursuant to section 4 of this Act;
  - “the penalty fare provisions” means sections 4 to 7 of this Act.
- (2) Any reference in this Act to a person producing a fare ticket or general travel authority on being required to do so by an authorised person is a reference to producing, when so required, a fare ticket or general travel authority which, either by itself or together with any other document produced by that person at the same time, is valid for the journey he has made.
- (3) For the purposes of subsection (2) above, a person who is on a Metro vehicle shall be taken to have made a journey ending at the next scheduled Metro stop.

## 3 Operation of Act

- (1) The penalty fare provisions have effect in relation to travel on any Metro vehicle if an order under subsection (2) below is for the time being in force.
- (2) The Secretary of State may by order (referred to in subsections (3) to (5) below as an “activating order”) provide that the penalty fare provisions shall have effect on and after such day as may be specified in the order.
- (3) The revocation by the Secretary of State of an activating order shall be without prejudice to the power of the Secretary of State to make further activating orders.
- (4) Any activating order, and any order revoking an activating order, may contain such supplementary, incidental and consequential provisions (including transitional provisions) as may appear to the Secretary of State to be necessary or expedient.
- (5) No activating order may be made except at the request of the Executive.

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#### **4 Penalty fares**

- (1) If a person travelling on a Metro vehicle, on being required to do so by an authorised person, fails to produce a fare ticket or a general travel authority, he shall be liable to pay a penalty fare if required to do so by an authorised person.
- (2) (a) A person shall not be liable to pay a penalty fare if at the Metro stop where, and the time when, he boarded the Metro vehicle—
  - (i) in the case of a person falling within paragraph (b) below, there were no facilities for making the required imprint on fare tickets; or
  - (ii) in the case of any other person, there were no facilities for the sale of the necessary fare ticket for his journey.
- (b) A person falls within this paragraph if (pursuant to a requirement under subsection (1) above) he produces a fare ticket which is invalid only by reason of its not bearing the required imprint.
- (3) Subsections (4) and (5) below have effect with respect to the burden of proof in any action for the recovery of a penalty fare under this section so far as concerns the question whether the facts of the case fall within subsection (2) above.
- (4) In any case where the defendant has provided the plaintiff with a relevant statement in due time it shall be for the plaintiff to show that the facts of the case do not fall within subsection (2) above, and in any other case it shall be for the defendant to show that the facts of the case fall within that provision.
- (5) For the purposes of subsection (4) above—
  - (a) a relevant statement is a statement giving an explanation of the defendant's failure to produce a fare ticket or general travel authority, together with any information as to his journey relevant to that explanation (including, in every case, an indication of the Metro stop where he boarded the Metro vehicle); and
  - (b) a statement is provided in due time if it is provided when the defendant is required to produce a fare ticket or general travel authority, or at any later time before the expiration of the period of 21 days beginning with the day following the day on which the journey is completed.
- (6) In this section "the required imprint" means an imprint signifying a date, time and stop (being the date and time when, and the Metro stop where, the imprint is made).

#### **5 Amount of penalty fare**

- (1) Subject to subsection (2) below, a penalty fare shall be £10 and shall be payable to the Executive before the expiration of the period of 21 days beginning with the day following the day on which the journey in respect of which it is payable is completed.
- (2) The Secretary of State may by order prescribe that the amount of the penalty fare shall be different (whether higher or lower), and any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### **6 Document to be issued in connection with penalty fare requirement**

- (1) An authorised person who requires a person (referred to below as "the passenger") to pay a penalty fare shall give him either a receipt for the payment of the amount of the penalty (where the passenger makes that payment to the authorised person) or a notice stating that the requirement has been made.

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- (2) A receipt or notice given under subsection (1) above shall specify the passenger's destination on the Metro vehicle on which he is travelling when required to pay the penalty fare, and shall operate as an authority to him to complete his journey to that destination.
- (3) For the purposes of subsection (2) above, the passenger's destination shall (unless only one destination is possible in the circumstances) be taken to be the destination stated by the passenger or, in default of any statement by him identifying his destination, such destination as may be specified by the authorised person.

## **7 Notice of penalty fare provisions**

- (1) It shall be the duty of the Executive to secure that a warning notice meeting the requirements of subsection (2) below shall be posted—
  - (a) at every Metro stop, in such a position as to be readily visible to prospective passengers; and
  - (b) in every Metro vehicle, in such a position as to be readily visible to passengers travelling on that vehicle.
- (2) A warning notice posted pursuant to subsection (1) above shall (however expressed) indicate the circumstances (as provided in section 4 of this Act) in which persons travelling on a Metro vehicle may be liable to pay a penalty fare and state the amount of the penalty fare.

## **8 Supplementary provisions**

- (1) A person who is required to pay a penalty fare shall, unless he pays, immediately and in cash, the amount of the penalty fare to an authorised person requiring such payment, give to that authorised person, if that person requires him to do so, his name and address; and any person failing to do so shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (2) Where an authorised person requires any person to do anything pursuant to any provision of this Act he shall, if so requested by the person concerned, produce to that person a duly authenticated document showing his authority; and a requirement by an authorised person shall be of no effect if, as respects that requirement, he fails to comply with this subsection.

## **9 Exclusion of double liability**

- (1) Where a person has become liable to pay a penalty fare in respect of any journey (referred to below as "the relevant journey"), no proceedings may be brought against him for any of the offences specified in subsection (2) below before the end of the period mentioned in section 5 (1) of this Act; and no such proceedings may be brought after the end of that period if—
  - (a) he has paid the penalty fare to the Executive before the end of that period; or
  - (b) an action has been brought against him for the recovery of that fare.
- (2) The offences mentioned in subsection (1) above are—
  - (a) any offence under byelaws made under section 49 of the Midland Metro Act 1989 involving a failure to obtain or produce a fare ticket or general travel authority for the relevant journey;

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- (b) any offence under section 25 (3) of the Public Passenger Vehicles Act 1981 of contravening or failing to comply with any provision of regulations for the time being having effect by virtue of that section by failing to pay the fare properly payable for the relevant journey or any part of it; and
  - (c) any offence under section 5 (3) (a) or (b) of the Regulation of Railways Act 1889 (travelling without paying the correct fare with intent to avoid payment) arising from the relevant journey.
- (3) If proceedings are brought against any such person for any such offence he shall cease to be liable to pay the penalty fare and, if he has paid it, the Executive shall be liable to repay to him an amount equal to the amount of that fare.

## **10 Orders under this Act**

Any power to make an order conferred on the Secretary of State by this Act shall be exercisable by statutory instrument.