

ELIZABETH II



1992 CHAPTER xvi

An Act to empower the charging of a penalty fare in substitution for the proper fare for persons using transport services under the control of London Regional Transport without a valid ticket for such use; and for related purposes. [12th November 1992]

WHEREAS—

(1) By the London Regional Transport Act 1984 the London Transport Executive which were established by the Transport (London) Act 1969 were reconstituted on 29th June 1984 under the name of London Regional Transport:

1984 c. 32.
1969 c. 35.

(2) It is the general duty of London Regional Transport pursuant to section 2 of the said Act of 1984, in accordance with principles from time to time approved by the Secretary of State and in conjunction with the British Railways Board, to provide or secure the provision of public passenger transport services for Greater London and in carrying out that duty London Regional Transport is to have due regard to (a) the transport needs for the time being of Greater London and (b) efficiency, economy and safety of operation:

(3) It is expedient that for the purposes aforesaid and for discouraging persons from travelling without having paid the proper fare that the provisions of this Act should be enacted:

(4) The purposes of this Act cannot be effected without the authority of Parliament:

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:—

- Short title. 1. This Act may be cited as the London Regional Transport (Penalty Fares) Act 1992.
- Interpretation. 2.—(1) In this Act unless the context otherwise requires—
1984 c. 32. “the 1984 Act” means the London Regional Transport Act 1984;
“authorised person” means, in relation to any purpose, a person authorised for that purpose by the Corporation or by the person providing the service;
1985 c. 67. “bus service” has the meaning given by section 34 (2) of the Transport Act 1985;
“compulsory ticket area” means that part of a station which, under the byelaws of the person providing a train service to which this Act applies, passengers are not permitted to enter without a fare ticket, general travel authority or platform ticket;
“the Corporation” means London Regional Transport;
“fare ticket” means a ticket (including one issued by a third person) showing payment of a fare and authorising the person in respect of whom it is issued to make a single journey covered by that fare on a bus or train service to which this Act applies, or to make that journey and a return journey (whether or not it also authorises him to make a journey on a service provided by a third person);
“general travel authority” means any permit (including one issued by a third person), other than a fare ticket, authorising the person in respect of whom it is issued to travel on a bus or a train service to which this Act applies (whether or not it also authorises him to travel on a service provided by a third person);
“penalty fare” means a penalty fare payable pursuant to section 4 or 5 of this Act;
“the penalty fare provisions” means sections 4 to 9 of this Act;
“person providing the service” means the operator of the service, except that, in the case of a service provided in pursuance of an agreement with the Corporation by virtue of section 3 (2) of the 1984 Act, it means the Corporation;
“platform ticket” means a ticket authorising a person to enter a compulsory ticket area but not to make a journey;
“station” means a station serving a train service to which this Act applies;
“subsidiary” has the same meaning as in section 68 of the 1984 Act;
“third person” means a person other than one referred to in section 3 (1) (a) or (b) of this Act; and

“train service” means a service for the carriage of passengers by rail.

(2) (a) Subject to paragraph (b) below, a person is travelling on a train service to which this Act applies at any time when he is on a train forming part of that service or is in a compulsory ticket area.

(b) A person at a station is not to be taken as travelling by reason only of being in a compulsory ticket area or boarding a train at that station if he has entered that area or boards that train otherwise than for the purpose of making a journey and produces, if required to do so by an authorised person, a valid platform ticket.

(3) 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 fare ticket or general travel authority produced by that person at the same time, is valid for the journey he has made.

(4) (a) For the purposes of subsection (3) above—

(i) a person who has entered a compulsory ticket area otherwise than by transferring from a train service provided by a third person but has not boarded a train shall be taken to have made a journey for which the minimum fare is payable; and

(ii) a person who is on a train shall be taken to have made a journey ending at the next station at which the train is scheduled to stop.

(b) In paragraph (a) above “minimum fare” means the minimum fare for which a journey from the station in question could validly be made by the person in question.

(5) For the purposes of this Act a person is to be taken as transferring from a service provided by a third person to a service to which this Act applies if, but only if, having travelled on a train forming part of the former service, he—

(a) goes from that train into a compulsory ticket area and finishes his journey at the station of which that area forms part; or

(b) goes from that train into a compulsory ticket area and from that area boards a train forming part of a service to which this Act applies;

and for the purposes of paragraph (b) above, in a case where the transfer takes place at a station controlled by a third person, “compulsory ticket area” means such area at that station as corresponds with a compulsory ticket area within the meaning of this Act.

3.—(1) This Act applies to any bus or train service provided—

(a) by the Corporation or any subsidiary of the Corporation; or

(b) by any other person in pursuance of an agreement with the Corporation by virtue of section 3 (2) of the 1984 Act which provides that this Act is to apply to services provided in pursuance of that agreement;

and references in the following provisions of this Act to a bus service or to a train service are, unless the context otherwise requires, references to a bus service or a train service to which this Act applies.

Operation of
Act.

(2) Any agreement made under section 3 (2) of the 1984 Act which provides that section 54 of the 1984 Act is to apply to services provided in pursuance of that agreement shall be construed as providing that this Act is to apply to services provided in pursuance of that agreement.

(3) The penalty fare provisions have effect in relation to travel on any bus or train service or any part of such a service if an order under subsection (4) below is for the time being in force in respect of such service or part of a service.

(4) The Secretary of State may by order (referred to in subsections (5) to (7) below as an "activating order") provide that the penalty fare provisions shall have effect, as from such day as may be specified in the order, with respect to any bus service or train service or any part of any bus service or train service, and different days may be specified in any such order with respect to different services or different parts of any service.

(5) 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 as respects any service or part of a service dealt with by the order.

(6) 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.

(7) No activating order may be made except at the request of the Corporation.

Penalty fares on buses.

4.—(1) If a person travelling on a ticket bus service who has had a reasonable opportunity to obtain a fare ticket for a journey on that service fails to produce a fare ticket or a general travel authority on being required to do so by an authorised person, he shall be liable to pay a penalty fare if required to do so by an authorised person.

(2) If a person travels on a non-ticket bus service without paying the fare properly payable for a journey on that service and, while so travelling, fails to produce a general travel authority on being required to do so by an authorised person, he shall be liable to pay a penalty fare if required to do so by an authorised person.

(3) In this section a "ticket bus service" means a bus service on which fare tickets are issued in return for fares paid by persons travelling on that service, and a "non-ticket bus service" means a bus service on which fare tickets are not so issued.

Penalty fares on trains.

5.—(1) Subject to subsection (2) below, if a person travelling on a train service fails to produce a fare ticket or a general travel authority on being required to do so by an authorised person, he shall be liable to pay a penalty fare if required to do so by an authorised person.

(2) (a) A person (other than one falling within paragraph (b) below) shall not be liable to pay a penalty fare under this section if at the time when and the station where he started to travel on the train service there were no facilities available for the sale of the necessary fare ticket for his journey.

(b) A person who starts to travel on a train service by transferring to that service from a train service provided by a third person shall not be liable to pay a penalty fare under this section if—



London Regional Transport (Penalty Fares) Act 1992

CHAPTER xvi

ARRANGEMENT OF SECTIONS

Section

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6. Amount of penalty fare.
7. Document to be issued in connection with penalty fare requirement.
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- (i) on being required to produce a fare ticket or general travel authority he produces a valid deferred fare authority issued by that person; or
- (ii) at the time when and the station where he started to travel on the train service provided by that person there were no facilities for either the sale of the necessary fare ticket for his journey or the sale of deferred fare authorities.

(c) Without prejudice to paragraph (a) or (b) above, a person shall not be liable to pay a penalty fare under this section if at the time when and the station where his journey began —

- (i) there was displayed a notice (however expressed) indicating that it was permissible for passengers beginning a journey at that station at that time to do so without having a fare ticket or a general travel authority or (in the case of a station controlled by a third person) a deferred fare authority; or
- (ii) a person in the uniform of the person controlling that station gave permission to the same effect.

(3) In paragraph (b) of subsection (2) above, “deferred fare authority” means a ticket or other document described as such on its face; and a deferred fare authority is valid for the purposes of that paragraph if it authorises a person in possession of it to start a journey at the time when and the station where the person producing it started his journey.

(4) Subsections (5) and (6) 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 paragraph (a), (b) (ii) or (c) of subsection (2) above.

(5) 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 paragraph (a), (b) (ii) or (c) of subsection (2) above and in any other case it shall be for the defendant to show that the facts of the case fall within any of those provisions.

(6) For the purposes of subsection (5) above —

- (a) a relevant statement is a statement giving an explanation of the defendant’s failure to produce a fare ticket, general travel authority or (where relevant) deferred fare authority, together with any information as to his journey relevant to that explanation (including, in every case, an indication of the time when and the station where he started to travel on the train service and also, if he started so to travel when he transferred from a train service provided by a third person, the time when and the station where he started to travel on that service); 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.—(1) Subject to subsection (2) below, a penalty fare shall be—

- (a) in respect of any bus journey, £5;
- (b) in respect of any train journey, £10;

Amount of
penalty fare.

and shall be payable to the person providing the service on which the requirement to pay the penalty fare is made before the expiration of the period of 21 days beginning with the day following the day on which the journey is completed.

(2) The Secretary of State may by order prescribe that the amount of the penalty fare in either or both of the cases set out in subsection (1) above 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.

Document to be issued in connection with penalty fare requirement.

7.—(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.

(2) A receipt or notice given under subsection (1) above shall specify the passenger’s destination on the bus or train service 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 or at that destination.

(3) For the purposes of subsection (2) above, the passenger’s destination shall (unless he is at that destination or 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 for that purpose, such destination as may be specified by the authorised person.

Supplementary provisions with respect to penalty fares.

8.—(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) It shall be the duty of the Corporation to secure that the requirements of subsection (3) or, as the case may be, (4) below with respect to warning notices are met in the case of a bus or train service in relation to travel on which the penalty fare provisions have effect.

(3) In the case of a bus service, a warning notice meeting the requirements of subsections (5) and (6) below shall be posted in every vehicle used in providing that service or, where any such vehicle has more than one deck, on each deck of that vehicle, in such a position as to be readily visible to persons travelling on the vehicle.

(4) In the case of a train service, a warning notice meeting the requirements of subsections (5) and (6) below shall be posted—

- (a) at every station at which persons may start to travel on that service, in such a position as to be readily visible to prospective passengers; and
- (b) in every carriage of every train used in providing that service in such a position as to be readily visible to passengers travelling in the carriage.

(5) A warning notice posted pursuant to subsection (3) or (4) above shall (however expressed) indicate the circumstances (as provided in section 4 (1), 4 (2) or, as the case may be, 5 (1) of this Act) in which persons travelling on the service in question may be liable to pay a penalty fare.

(6) Every warning notice posted in pursuance of this section shall state the amount of the relevant penalty fare.

(7) 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.—(1) Where a person has become liable under section 4 or 5 of this Act to pay a penalty fare in respect of any bus or train 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 6 (1) of this Act; and no such proceedings may be brought after the end of that period if—

Exclusion of double liability.

(a) he has paid the penalty fare to the person providing the service on which the requirement to pay that fare was made 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 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;

1889 c. 57.

(b) any offence under byelaws made under section 67 of the Transport Act 1962 (byelaws for railways, etc.) involving a failure to obtain or produce a fare ticket or general travel authority for the relevant journey; and

1962 c. 46.

(c) 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.

1981 c. 14.

(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 pays it, the person to whom it is paid shall be liable to repay to him the amount of that fare.

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

Orders.

11. Sections 54 to 58 of the 1984 Act are hereby repealed.

Repeals.

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