

Explanatory Memorandum To
The Penalty Fares (Increase) Order
(Northern Ireland) 2016

S.R. No. 194

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department for Regional Development to accompany The Penalty Fares (Increase) Order (Northern Ireland) 2016 which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under powers conferred by paragraph 4(2) of Schedule 1B of the Transport Act (Northern Ireland) 1967 and is subject to negative resolution procedure before the Assembly.

2. Purpose

- 2.1 This Order provides for an increase in the current penalty fare from £20.00 to £50.00.

3. Background

- 3.1 The Penalty Fares System was designed to protect the majority of passengers from the minority of people who travel on public transport without a valid ticket for the journey they are making.
- 3.2 Schedule 1B to the Transport Act 1967, as inserted by S.I. 1990/994 (N.I. 7), makes provision for penalty fares to be paid by a person who travels on a bus or train service without paying the proper fare.

Paragraph 4(1) of that Schedule provides that the amount of a penalty fare shall be the full single fare for the journey plus £5.

3.3 The penalty fare was increased by Order in 1991 to £10 and the last time there was an increase in penalty fares in Northern Ireland was in August 2008 when the Penalty Fares (Increase) Order (Northern Ireland) 2008 increased the penalty fare to £20.00.

3.4 Any penalty fare amount should be an effective deterrent to fare evasion. However, the current amount of £20.00 (which was set in 2008) no longer has a significant deterrent value. A £50 penalty is considered a reasonable deterrent to fare evasion, without being too excessive.

4. Consultation

4.1 The Department has completed an extensive consultation exercise in relation to the Statutory Rule. Two responses were received and the Department has formally responded.

5. Equality Impact

5.1 As part of the consultation on these legislative proposals the Department has written to all those parties in accordance with the Departments Equality Scheme. The Consultees attention was drawn to the Section 75 criteria and their views sought on any potential impacts that may arise from the implementation of these legislative proposals. The Department has considered the proposed legislative provisions against the Section 75 criteria and the responses to the consultation process and in conjunction with the Equality Unit and the Human Rights Unit has screened out the requirement for an Equality Impact Assessment in relation to these legislative proposals.

6. Regulatory Impact

6.1 The Department has considered the proposed legislative provisions against the criteria for regulatory impact and concluded that this is not required for these legislative proposals.

7. Financial Implications

7.1 There are no significant financial implications arising from the proposals and a regulatory impact assessment is not required.

8. Section 24 of the Northern Ireland Act 1998

8.1 There are no implications arising in relation to Section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1 These Regulations were notified in draft to the European Commission in accordance with Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services.

10. Parity or Replicatory Measure

10.1 Not applicable to this Statutory Rule.

11. Additional Information

11.1 The Provisions of the Order are as follows –

Schedule 1B to the Transport Act 1967 (Northern Ireland) (as inserted by SI 1990/994 (N.I. 7) makes provision for penalty fares to be paid by a person who travels on a bus or a train service without paying the proper fare.

Paragraph 4(1) of that Schedule provides that the amount of a penalty fare shall be the full single fare for the journey plus £5.00. This penalty fare was increased in 1991 to £10.00 and was further increased in 2008 to £20.00

This Order increases that amount by an additional £30.00 to £50.00

Department for Regional Development