



London Regional Transport Act 1984

1984 CHAPTER 32

PART III

MISCELLANEOUS AND GENERAL

Penalty fares

54 Penalty fares

- (1) This section and the three next following sections have effect in relation to—
 - (a) travel on a bus service to which this section applies ; and
 - (b) travel on a train service to which this section applies ;if an order under section 58 of this Act is for the time being in force with respect to the service in question.
- (2) Subject to subsection (4) below, if at any time during his journey on any bus service to which this section applies on which fare tickets are issued in return for fares paid by persons travelling on that service a person so travelling fails, on being required to do so by an authorised person, to produce any necessary fare ticket for his journey on that service, he shall be liable to pay a penalty fare in respect of that journey.
- (3) Subject to subsection (4) below, if a person travels on any such bus service on which fare tickets are not so issued without paying the fare (if any) properly payable for his journey on that service, or for any part of his journey on that service, he shall be liable to pay a penalty fare in respect of that journey.
- (4) A person shall not be liable to pay a penalty fare—
 - (a) in a case within subsection (2) above, if he had no reasonable opportunity to obtain any necessary fare ticket before the time when he was required to produce such a ticket;
 - (b) in a case within subsection (3) above, if he had no reasonable opportunity to pay the fare in question before the time when he was found to have failed to pay it.

Status: This is the original version (as it was originally enacted).

- (5) Subject to subsection (6) below, if at any time during his journey on any train service to which this section applies a person travelling on that service fails, on being required to do so by an authorised person, to produce any necessary fare ticket for his journey on that service, he shall be liable to pay a penalty fare in respect of that journey.
- (6) A person shall not be liable to pay a penalty fare by virtue of subsection (5) above if he had no reasonable opportunity to obtain any necessary fare ticket, or a deferred fare authority applicable to his journey or to any relevant part of his journey, at the time when he started to travel.
- (7) A penalty fare payable by any person under this section in respect of any journey shall be an amount equal to—
- (a) the minimum penalty ; or
 - (b) the default fare for the journey multiplied by the multiplier ;
- whichever is the greater; and any such penalty fare shall be payable to the person providing the service in question within the period of twenty-one days beginning with the day following the date on which the journey was completed.
- (8) In subsection (7) above—
- (a) " the minimum penalty " means £5 or such other (lower or higher) sum as the Secretary of State may by order prescribe; and
 - (b) " the multiplier " means ten or such other (lower or higher) figure as the Secretary of State may by order prescribe.
- (9) In any case within subsection (2) or (5) above the default fare for the journey mentioned in subsection (7)(b) above is—
- (a) where the whole of the distance travelled on that journey was not covered by any fare ticket produced by the person in question or by any deferred fare authority or other valid authority to travel, an amount equal to the full fare for the whole of that distance;
 - (b) where any part (but not the whole) of the distance so travelled was not so covered, an amount equal to the full fare for that part of that distance ;
 - (c) where the whole or any part of the distance so travelled was covered by a fare ticket so produced showing payment of a fare appropriate in the case of another category of traveller but lower than the fare properly payable by the person in question for that journey or for the relevant part of that journey, an amount equal to the difference between the fare shown on the ticket and the full fare for that distance or (as the case may be) for that part of that distance; and
 - (d) where both paragraphs (b) and (c) above apply, the aggregate of the amounts applicable under each of those paragraphs.
- (10) In any case within subsection (3) above the default fare for the journey mentioned in subsection (7)(b) above is an amount determined by applying subsection (9) above, taking references (however expressed) to a fare ticket produced by the person in question and the fare shown on any such ticket as references to a fare paid by that person.
- (11) In this section " full fare " means, in relation to the whole or any part of the distance travelled by any person on a journey on any bus or train service to which this section applies, the single ordinary fare payable by an adult for travelling on that service for that distance or (as the case may be) for that part of that distance on a journey corresponding to the one actually taken (but treated, where it covers part only of the

distance travelled on that journey, and also where the whole of the distance so travelled formed part of a journey made partly by way of another service, as a separate journey).

- (12) The liability of any person under this section to pay a penalty fare in respect of any journey is subject to section 57 of this Act.

55 Interpretation of the penalty fares provisions

- (1) Section 54 of this Act applies to any bus or train service provided by London Regional Transport or any subsidiary of theirs or by any other person in pursuance of any agreement entered into by London Regional Transport by virtue of section 3(2) of this Act which provides that that section is to apply to services provided in pursuance of that agreement.
- (2) In this section and the three next following sections " the penalty fares provisions " means section 54, this section and the two next following sections.
- (3) In the penalty fares provisions—
- " authorised person " means a person authorised by the person providing the service in question ;
 - " authority to travel" means any ticket (other than a fare ticket), permit, voucher or other document authorising the person to whom it is issued to travel on any bus or train service to which section 54 applies, whether or not subject to any terms, limitations or conditions as to its use ;
 - " bus journey " means a journey on a bus service to which that section applies;
 - " bus service " has the meaning given by section 43(7) of this Act;
 - "deferred fare authority" means an authority to travel subject to a condition requiring payment of the fare applicable in the case of the person using that authority for the whole or any part of any journey on which it is used at the conclusion of that journey or otherwise as provided by any terms applicable to its use (whether or not it is also subject to any other terms, limitations or conditions);
 - "deferred fare" means the fare payable for a journey authorised by a deferred fare authority;
 - " fare ticket " means a ticket showing payment of a fare for travelling on a bus or train journey and authorising the person to whom it is issued to travel on any such journey for the distance covered by that fare, whether or not subject to any terms, limitations or conditions as to its use:
 - "train journey" means a journey on a train service to which section 54 of this Act applies ; and
 - " train service " means a service for the carriage of passengers by rail.
- (4) References in the penalty fares provisions to the fare properly payable for a person's journey on any bus or train service to which section 54 applies are references to the fare so payable excluding any deferred fare for the journey; that is to say, the fare payable by a person of the category to which he belongs for travelling on that service for the whole of the distance travelled on that journey, or for such part of the distance so travelled as is not covered by any deferred fare authority or other valid authority to travel that applies to his journey on the occasion in question.

Status: This is the original version (as it was originally enacted).

This subsection applies in relation to references in those provisions to the fare properly payable for part of a person's journey as it applies to references to the fare properly payable for a person's journey.

- (5) References in those provisions to any necessary fare ticket for a person's journey on any such bus or train service are references to a fare ticket required for his journey on the occasion in question which—
 - (a) applies to his journey on that occasion ; and
 - (b) shows payment of the fare properly payable for that journey.
- (6) For the purposes of those provisions, no fare is properly payable for a bus journey and no fare ticket is required for a bus or train journey if the person travelling on that journey has a deferred fare authority or other valid authority to travel that applies to the whole of his journey on the occasion in question.

56 Supplementary provisions with respect to penalty fares

- (1) In any action for the recovery of a penalty fare payable under section 54 of this Act it shall be for the plaintiff to show that any relevant exception provided by subsection (4) or (6) of that section does not apply.
- (2) It shall be the duty of London Regional Transport to secure that the requirements of the following provisions of this section with respect to warning notices are met in the case of every bus or train service to which section 54 applies.
- (3) In the case of a bus service, a warning notice meeting the requirements of subsection (4) 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) A warning notice posted in pursuance of subsection (3) above shall state—
 - (a) in the case of a bus service within section 54(2) of this Act, that persons travelling on that service who cannot produce a ticket showing payment of the correct fare for their journey, or for any part of their journey not otherwise authorised, may be liable to a penalty fare; and
 - (b) in the case of a bus service within subsection (3) of that section, that persons who travel on that service without paying the correct fare for their journey, or for any part of their journey not otherwise authorised, may be liable to a penalty fare.
- (5) In the case of a train service, a warning notice meeting the requirements of subsection (6) below shall be posted—
 - (a) in 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.
- (6) A warning notice posted in pursuance of subsection (5) above shall state that persons travelling on that service who cannot produce a ticket showing payment of the correct fare for their journey, or for any part of their journey not otherwise authorised, may be liable to a penalty fare.
- (7) Every warning notice posted in pursuance of this section shall state the amount of the current minimum penalty (within the meaning of section 54(7) of this Act) and indicate that a penalty fare may be higher.

- (8) Any order under subsection (8) of that section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

57 Exclusion of double liability

- (1) Where a person has become liable under section 54 of this Act to pay a penalty fare in respect of any bus or train journey (" 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 subsection (7) of that section; and no such proceedings may be brought after the end of that period if either—
- (a) he has paid that fare to the person providing the service 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;
 - (b) any offence under byelaws made under section 67 of the 1962 Act (byelaws for railways, etc.) involving a failure to obtain or produce a fare ticket or authority to travel for the relevant journey ; and
 - (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.
- (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 person to whom it was paid shall be liable to repay to him an amount equal to the amount of that fare.

58 Operation of the penalty fares provisions

- (1) The Secretary of State may by order provide that the penalty fares provisions shall have effect, as from such day as may be specified in the order, with respect to—
- (a) bus services to which section 54 applies ; and
 - (b) train services to which that section applies ;
- and different days may be specified under this section with respect to bus services and train services.
- (2) Any such order is referred to below in this section as an order activating the penalty fares provisions.
- (3) The revocation by the Secretary of State of an order activating the penalty fares provisions shall be without prejudice to the power of the Secretary of State to make further orders under this section activating those provisions.
- (4) An order activating the penalty fares provisions may provide that any provision of a local Act specified in the order (being a provision which appears to the Secretary of State to be unnecessary having regard to the penalty fares provisions so far as they have effect by virtue of the order) shall be suspended while that order has effect; and any such provision shall accordingly be treated, so long as that order has effect, as if it had been repealed.

Status: This is the original version (as it was originally enacted).

- (5) Without prejudice to subsection (4) above, any order activating the penalty fares provisions, and any order revoking any such 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.
- (6) No order activating the penalty fares provisions may be made except at the request of London Regional Transport.