

---

STATUTORY INSTRUMENTS

---

**2018 No. 366**

**The Railways (Penalty Fares) Regulations 2018**

**PART 2**

**Penalty Fares**

**Penalty fares – train passenger exclusions**

6.—(1) Subject to paragraph (6), a person travelling by, present on, or leaving a train (in this regulation “the passenger”) must not be charged a penalty fare where either paragraph (2) or (3) applies.

(2) This paragraph applies if, at the time when, and at the station where, the passenger boarded the train—

- (a) there were no facilities in operation for the sale of a travel ticket for that passenger’s journey;
- (b) the requirements for the display of notices specified in regulation 8 were not satisfied;
- (c) a notice was displayed indicating that the passenger was, or persons generally were, permitted to travel by or be present on the train without having a travel ticket; or
- (d) the operator of the train or the station, or a person acting or purporting to act on behalf of the operator, indicated that the passenger was, or persons generally were, permitted to travel by or be present on the train without having a travel ticket.

(3) This paragraph applies if—

- (a) the passenger has travelled on a preceding train;
- (b) at the time when, and at the station where, the passenger boarded the first of the preceding trains, any of sub-paragraphs (a) to (d) of paragraph (2) applied; and
- (c) at the time when, and at the station where, the passenger changed from any preceding train—
  - (i) any of sub-paragraphs (a) to (d) of paragraph (2) applied; or
  - (ii) the passenger did not have sufficient time between leaving one train and boarding the next to purchase a travel ticket.

(4) In paragraph (2)(a), there are no facilities in operation for the sale of a travel ticket if—

- (a) the passenger is not able to use any means of payment the passenger has available at the relevant time; and
- (b) the passenger would usually be able to purchase a travel ticket at the station in question at the relevant time of day using one of those means of payment.

(5) A person must not be charged a penalty fare where the travel ticket which they have produced, in response to a request made under regulation 4(1), would be a valid travel ticket but for the fact that it is not valid for the class of travel used by that person if, at the time that person began using the relevant class of travel—

- (a) a notice was displayed indicating that the person was, or persons generally were, permitted to use that class of travel without having a travel ticket valid for that class of travel; or
  - (b) the operator of the train, or a person acting or purporting to act on behalf of the operator of the train, indicated that the person was, or persons generally were, permitted to use that class of travel without having a travel ticket valid for that class of travel.
- (6) The passenger may, despite paragraph (2) or (3) applying, be charged a penalty fare where the passenger has, while travelling on the train or any preceding train, been invited by anybody acting on behalf of the operator of that train to obtain a travel ticket valid for the journey, train and class of travel used and has refused to do so.
- (7) A person who is present on a train, which is stationary in a station, must not be charged a penalty fare where—
- (a) the person has not boarded the train for the purpose of travel;
  - (b) the person is present on the train for the sole purpose of providing assistance to another person who is also present on that train; and
  - (c) that other person has a valid travel ticket.