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STATUTORY INSTRUMENTS

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**2019 No. 1254**

**TRANSPORT AND WORKS, ENGLAND**  
**TRANSPORT, ENGLAND**

**The Midland Metro (Penalty Fares) Order 2019**

*Made* - - - - *10th September 2019*

*Coming into force* - - - *1st October 2019*

An application has been made to the Secretary of State in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006(1) for an Order under sections 1 and 5 of the Transport and Works Act 1992(2) (“the 1992 Act”).

The Secretary of State having considered representations duly made under section 13 of the 1992 Act, has determined to make an Order giving effect to the proposals comprised in the application with modifications which, in the opinion of the Secretary of State, make a substantial change in the proposals.

Notice of the Secretary of State’s determination was published in the London Gazette on 3rd September 2019.

The Secretary of State, in exercise of the powers conferred by sections 1 and 5 of, and paragraph 12 of Schedule 1 to, the 1992 Act, makes the following Order:

**PART 1**

**PRELIMINARY**

**Citation and commencement**

1. This Order may be cited as the Midland Metro (Penalty Fares) Order 2019 and comes into force on 1st October 2019.

**Interpretation**

2. In this Order—

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(1) S.I. 2006/1466, amended by S.I. 2010/439, S.I. 2011/556, S.I. 2011/2085, S.I. 2012/147, S.I. 2012/1658, S.I. 2012/2590, S.I. 2013/755, S.I. 2014/469, S.I. 2015/377, S.I. 2015/627, S.I. 1682, S.I. 2017/979 and S.I. 2017/1070.  
(2) 1992 c. 42; section 1 was amended by paragraphs 51 and 52 of Schedule 2 to the Planning Act 2008 (c. 29), section 5 was amended by S.I. 2012/1659.

“the 1991 Act” means the Midland Metro (Penalty Fares) Act 1991<sup>(3)</sup>; and  
“the Executive” means the West Midlands Combined Authority established under article 3 (establishment) of the West Midlands Combined Authority Order 2016<sup>(4)</sup>.

## PART 2

### PENALTY FARES

#### Amendment of the 1991 Act

3.—(1) The 1991 Act, in so far as not modified by or inconsistent with the provisions of this Order, continues to apply.

(2) In section 5 (amount of penalty fare) of the 1991 Act for subsection (2) substitute—

“(2) The Executive may, from time to time—

- (a) vary the amount of the penalty fare,
- (b) alter the period within which the penalty fare is to be paid, and
- (c) permit the penalty fare to be reduced if paid to the Executive within a shorter period, as specified.

(3) The Executive must, before making the changes referred to in subsection (2), consult—

- (a) the Secretary of State for Transport, and
- (b) the other consultees listed in subsection (4).

(4) The other consultees referred to in subsection (3)(b) are—

- (a) such persons or bodies representative of local authorities,
- (b) such persons or bodies representative of those who travel on the Metro, and
- (c) such other persons or bodies,

as the Executive considers it appropriate to consult.

(5) The Executive, when consulting under subsection (3), must take account of consultation responses before taking a decision on the matters set out in subsection (2).

(6) After taking a decision on the matters set out in subsection (2), the Executive must publish a notice, in accordance with subsection (7)—

- (a) in the newspapers described in subsection (8),
- (b) on the Executive’s website as described in subsection (9), and
- (c) on every website maintained by, or by agreement on behalf of, the Executive or any company owned by the Executive which contains ticketing information in respect of the Metro, as described in subsection (9)<sup>(5)</sup>.

(7) The notice referred to in subsection (6) is to be published not later than 28 days before the day on which the penalty fare, as so varied, is to have effect stating—

- (a) the amount of the penalty fare (whether higher or lower),
- (b) the period within which the penalty fare is to be paid, and

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(3) 1991 .c. ii.

(4) S.I. 2016/653.

(5) As at the making of this Order, the websites falling within the new section 5(6)(c) are the Network West Midlands website ([www.networkwestmidlands.com](http://www.networkwestmidlands.com)) and the West Midlands Metro website [www.westmidlandsmetro.com](http://www.westmidlandsmetro.com) ([www.westmidlandsmetro.com](http://www.westmidlandsmetro.com)).

- (c) any reduction in the penalty fare if paid to the Executive within a shorter period, as specified.
- (8) The newspapers referred to in subsection (6)(a) are a local newspaper circulating in each of the areas where passengers may get on or off Metro vehicles.
- (9) The notice referred to in subsection (6)(b) and (c) is to be—
  - (a) prominently located on the homepage of each of the websites specified in subsection (6)(b) and (c), or
  - (b) reached by a prominently located link to the notice on the homepage of each such website,and the notice is to be retained for the duration of the 28 day period before the date on which the varied penalty fare is to have effect.”
- (3) In subsection (1) of section 7 (notice of penalty fare provisions)—
  - (a) at the end of paragraph (a) omit “and”; and
  - (b) at the end of paragraph (b) insert—
    - “, and,
    - (c) on every website maintained by, or by agreement on behalf of, the Executive or any company owned by the Executive which contains ticketing information in respect of the Metro”.
- (4) In subsection (1) of section 9 (exclusion of double liability) of the 1991 Act after “of this Act” insert “or any different period in a notice published in accordance with section 5(6) and (7)”.

Signed by authority of the Secretary of State for Transport

10th September 2019

*Natasha Kopala*  
Head of Transport and Works Act Orders Unit  
Department for Transport

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends sections 5, 7 and 9 of the Midland Metro (Penalty Fares) Act 1991.

The new subsection (2) inserted into section 5 confers power on the West Midlands Combined Authority (“the Executive”) to vary the level of penalty fare, the period in which the penalty fare is to be paid and permit a reduction to the level of the penalty fare if paid within the period stipulated.

The Executive, before making any changes, must consult with the Secretary of State for Transport and other consultees set out in the new subsection (4) being inserted into section 5.

The new subsection (5) requires the Executive to take account of the consultation responses before taking a decision on matters set out in the new subsection (2).

The new subsections (6) to (9) requires the Executive to publish a notice setting out the changes being made to the matters set out in the new subsection (2), and specified the content of the notice and publication requirements.

New subsection (1)(c) of section 7 requires penalty fare information, which is already posted at every Metro stop and in every Metro vehicle, to also be published on relevant websites.

Subsection (1) of section 9 is amended to take account of any changes, made by the Executive in accordance with the new power provided at section 5(2), to the period within which a penalty fare is to be paid.