



# Edinburgh Tram (Line One) Act 2006

## 2006 asp 7

### PART 3

#### PENALTY FARES

#### 45 Penalty fares

- (1) If a passenger, on being required to do so by an authorised person, fails to produce a fare ticket or a general travel authority, that passenger shall be liable to pay a penalty fare if required to do so by an authorised person.
- (2) A passenger shall not be liable to pay a penalty fare if at the stop where, and the time when, the passenger boarded the tram—
  - (a) in the case of a passenger who produces a fare ticket which is invalid only by reason of its not bearing the imprint required by the authorised undertaker at that time, there were no facilities for making that imprint on fare tickets; or
  - (b) in the case of any other passenger, there were no facilities for the sale of the necessary fare ticket for the journey made by the passenger.
- (3) Any penalty fare charged in accordance with the penalty fare provisions shall be payable within 21 days commencing on the day on which such penalty fare is charged.
- (4) The amount of any penalty fare charged in accordance with the penalty fare provisions and not paid within 21 days may be recovered from the person as a civil debt.
- (5) Subsections (6) and (7) 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 of whether the facts of the case fall within subsection (2).
- (6) In any case where the passenger has provided the authorised undertaker with a relevant statement in due time it shall be for the authorised undertaker to show that the facts of the case do not fall within subsection (2) and in any other case it shall be for the passenger to show that the facts of the case fall within that provision.
- (7) For the purposes of subsection (6)—
  - (a) a relevant statement is one giving an explanation of the passenger's failure to produce a fare ticket or general travel authority, together with any information

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*Status: This is the original version (as it was originally enacted).*

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- as to the passenger's journey relevant to that explanation (including, in every case, an indication of the stop where the passenger boarded the tram); and
- (b) a statement is provided in due time if it is provided when the passenger 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 was completed.