Status: *Point in time view as at 01/01/2006.*
Changes to legislation: *There are currently no known outstanding effects for the Transport Act (Northern Ireland) 1967. (See end of Document for details)*

SCHEDULES

SCHEDULE 1

Section 47(4).

THE NORTHERN IRELAND TRANSPORT HOLDING COMPANY

1 (1) A director of the Holding Company shall hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to be a director, be eligible for re-appointment.

(2) A director of the Holding Company may at any time by notice in writing to the Minister resign his office.

2 The Holding Company shall pay to the directors thereof such salaries or fees, and such allowances, as the Ministry may, with the approval of the Ministry of Finance[F1], determine.

F1 Now D/CS, SR 1976/281

3 (1) The Holding Company may act notwithstanding a vacancy among the directors.

(2) The procedure of the Holding Company shall be such as the Company may determine.

(3) The Holding Company shall have a common seal, and the application of that seal shall be authenticated by the signatures of the chairman or some other director of the Company authorised by the Company to authenticate the application thereof, and of the secretary of the Company or some person authorised by the Company to act in his stead in that behalf.

The Holding Company may authorise a person to act instead of the secretary under this paragraph whether or not the secretary is absent or incapable of acting and such authorisation shall be recorded in the minutes of the meeting at which such authorisation was made.

(4) Every document purporting to be an instrument issued by the Holding Company and to be sealed as aforesaid, or to be signed on behalf of the Company, shall be received in evidence and be deemed to be such an instrument without further proof unless the contrary is shown.

[F2SCHEDULE 1A

Section 67I.

MODIFICATIONS OF[F3 ARTICLE 133(2) AND (4) OF, AND SCHEDULE 8 TO, THE ROADS (NORTHERN IRELAND) ORDER 1993] FOR THE PURPOSES OF SECTIONS 67A, 67G AND 67H

F2 1984 NI 15

Status: *Point in time view as at 01/01/2006.*
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F3 1993 NI 15

1 References to the said**[**F4 Schedule 8**]** shall be construed as references to that Schedule as modified by this Schedule.

F4 1993 NI 15

2 In**[**F5 Article 133**]**

(a) in paragraph (1) for sub-paragraphs (a) to (g) substitute—

"(a) section 67A(2) (construction of bridges and tunnels in relation to navigable waters);

(b) section 67G(1) (diversion of navigable watercourses);

(c) section 67H (extinguishment of certain public rights over navigable waters and foreshore);" ;

(b) in paragraph (2)—

(i) for the words " **[**F5Article 113 and Schedule 7**]**" substitute the words " section 67B ", and

(ii) **[**F5omit sub-paragraph (a)**]**.

F5 1993 NI 15

3 In**[**F6 Schedule 8**]**

Para. (a) rep. by 1993 NI 15

(b) in paragraph 2—

Head (i) rep. by 1993 NI 15

(ii) in sub-paragraph (1)(b) for the words "Article 6" substitute the words " section 67H ",

(iii) in sub-paragraph (1)(c) for the words "Article 4(1), 5(1) or 6" substitute the words " section 67A, 67G or 67H ";

(iv) in sub-paragraph (3) omit the words from the beginning of head (a) to "or 6", and head (b);

(c) omit paragraph 3;

*Para. (d) rep. by 1993 NI 15***]**

F6 1993 NI 15

[F7SCHEDULE 1B

Section 67K.

PROVISION FOR PENALTY FARES ON BUSES AND TRAINS

F7 1990 NI 7

Status: *Point in time view as at 01/01/2006.*
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Liability to pay a penalty fare

1 (1) If a person travelling on a ticket bus service who has had a reasonable opportunity to obtain a fare ticket for a journey on that service fails to produce a fare ticket or an authority to travel on being required to do so by an authorised person, he shall be liable to pay a penalty fare if required to do so by an authorised person.

(2) If a person travels on a non#ticket bus service without paying the fare properly payable for a journey on that service and, while so travelling, fails to produce an authority to travel on being required to do so by an authorised person, he shall be liable to pay a penalty fare if required to do so by an authorised person.

(3) In this paragraph a "ticket bus service" means a bus service on which fare tickets are issued in return for fares paid by persons travelling on that service, and a "non#ticket bus service" means a bus service on which fare tickets are not so issued.

2 (1) Subject to sub#paragraphs (2) and (3) and paragraph 3, if a person travelling on a train service fails to produce a fare ticket or an authority to travel on being required to do so by an authorised person, he shall be liable to pay a penalty fare if required to do so by an authorised person.

(2) A person shall not be liable to pay a penalty fare under this paragraph if at the time when and the station where he started to travel on the train service there were no facilities available for the sale of the necessary fare ticket for his journey.

(3) Without prejudice to sub#paragraph (2), a person shall not be liable to pay a penalty fare under this paragraph if at the time when and the station where his journey began—

(a) there was displayed a notice (however expressed) indicating that it was permissible for passengers beginning a journey at that station at that time to do so without having a fare ticket or an authority to travel; or

(b) a person in the uniform of the railway undertaking gave permission to the same effect.

(4) In any case where the defendant has provided the plaintiff with a relevant statement in due time it shall be for the plaintiff to show that the facts of the case do not fall within sub#paragraph (2) or (3); and in any other case it shall be for the defendant to show that the facts of the case fall within either of those sub#paragraphs.

(5) For the purposes of sub#paragraph (4)—

(a) a relevant statement is a statement giving an explanation of the defendant's failure to produce a fare ticket or authority to travel, together with any information as to his journey relevant to that explanation (including, in every case, an indication of the time when and the station where he started to travel on the train service); and

(b) a statement is provided in due time if it is provided when the defendant is required to produce a fare ticket or authority to travel, 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 is completed.

3 (1) Paragraph 2 shall not apply to a person travelling on a conductor train service whose journey begins at a non#ticket station; but where such a person has had an opportunity while so travelling to obtain a fare ticket he shall, if he fails to produce a fare ticket or authority to travel on being required to do so by an authorised person, be liable to pay a penalty fare if required to do so by an authorised person.

Status: *Point in time view as at 01/01/2006.*
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(2) In sub#paragraph (1)—

"conductor train service" means a train service on which fare tickets are issued in return for fares paid by persons travelling on that service; and

"non#ticket station" means a station on a conductor train service at which there is no provision at any time for the sale of fare tickets.

Amount of penalty fare, etc.

4 (1) Subject to sub#paragraph (2), a penalty fare—

(a) shall be an amount equal to the full single fare for the journey the person has made plus**[**[F8] £10**]**; and

(b) shall be payable to the person providing the service on which the requirement to pay the penalty fare is made before the expiration of the period of 21 days beginning with the day following the day on which the journey is completed.

(2) The Department may by order, made subject to negative resolution, alter the amount of the penalty fare specified in sub#paragraph (1)(*a*).

(3) An authorised person who requires a person (referred to below as "the passenger") to pay a penalty fare shall give him either a receipt for the payment of the amount of the penalty (where the passenger makes that payment to the authorised person) or a notice stating that the requirement has been made.

(4) A receipt or notice given under sub#paragraph (3) shall specify the passenger's destination on the bus or train service on which he is travelling when required to pay the penalty fare, and shall operate as an authority to him to complete his journey to or at that destination.

(5) For the purposes of sub#paragraph (4), the passenger's destination shall (unless he is at that destination or only one destination is possible in the circumstances) be taken to be the destination stated by the passenger or, in default of any statement by him for that purpose, such destination as may be specified by the authorised person.

F8 SR 1991/297

Supplementary provisions

5 (1) A person who is required to pay a penalty fare shall, unless he pays, immediately and in cash, the amount of the penalty fare to an authorised person requiring such payment, give to that authorised person, if that person requires him to do so, his name and address; and any person failing to do so shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) It shall be the duty of the operator to secure that the requirements of sub# paragraph (3) or, as the case may be, (4) with respect to warning notices are met in the case of a bus or train service in relation to travel on which the penalty fare provisions have effect.

(3) In the case of a bus service, a warning notice meeting the requirements of sub# paragraphs (5) and (6) 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.

Status: *Point in time view as at 01/01/2006.*
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(4) In the case of a train service, a warning notice meeting the requirements of sub#paragraphs (5) and (6) shall be posted—

(a) at 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 in such a position as to be readily visible to passengers travelling in the carriage.

(5) A warning notice posted pursuant to sub#paragraph (3) or (4) shall (however expressed) indicate the circumstances (as provided in paragraph 1(1) or (2) or, as the case may be, paragraph 2(1)) in which persons travelling on the service in question may be liable to pay a penalty fare.

(6) Every warning notice posted in pursuance of this paragraph shall state the amount of the penalty fare relevant to the bus or train service on which, or in relation to which, it is posted.

(7) Where an authorised person requires any person to do anything pursuant to any provision of this Schedule he shall, if so requested by the person concerned, produce to that person a duly authenticated document showing his authority; and a requirement by an authorised person shall be of no effect if, as respects that requirement, he fails to comply with this sub#paragraph.

6 (1) Where a person has become liable under paragraph 1 or 2 to pay a penalty fare in respect of any bus or train journey (in this paragraph referred to as "the relevant journey"), no proceedings shall be brought against him for any of the offences specified in sub#paragraph (2) before the end of the period mentioned in paragraph 4(1); and no such proceedings shall be brought after the end of that period if either—

(a) he has paid the penalty fare to the person providing the service on which the requirement to pay that fare was made, 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 sub#paragraph (1) 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 57 (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 the Road Traffic (Northern Ireland) Order 1981 in respect of a contravention of regulations made under Article 66 of that Order 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.

7 (1) In this Schedule—

"authorised person" means a person authorised by the operator 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

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bus or train service to which section 67K 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 section 67K applies;

"bus service" has the meaning given by section 67K(1)(*a*);

"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;

"operator" has the meaning given by section 67K(5);

"penalty fare" means a penalty fare payable pursuant to paragraph 1 or 2;

"train journey" means a journey on a train service to which section 67K applies; and,

"train service" has the meaning given by section 67K(1)(*b*).

(2) References in this Schedule 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.**]**

Schedule 2 rep. by 1984 NI 15

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