



Midland Metro (Penalty Fares) Act 1991

1991 CHAPTER ii

4 Penalty fares

- (1) If a person travelling on a Metro vehicle, on being required to do so by an authorised person, fails to produce a fare ticket or a general travel authority, he shall be liable to pay a penalty fare if required to do so by an authorised person.
- (2) (a) A person shall not be liable to pay a penalty fare if at the Metro stop where, and the time when, he boarded the Metro vehicle—
 - (i) in the case of a person falling within paragraph (b) below, there were no facilities for making the required imprint on fare tickets; or
 - (ii) in the case of any other person, there were no facilities for the sale of the necessary fare ticket for his journey.
- (b) A person falls within this paragraph if (pursuant to a requirement under subsection (1) above) he produces a fare ticket which is invalid only by reason of its not bearing the required imprint.
- (3) Subsections (4) and (5) below 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 whether the facts of the case fall within subsection (2) above.
- (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 subsection (2) above, and in any other case it shall be for the defendant to show that the facts of the case fall within that provision.
- (5) For the purposes of subsection (4) above—
 - (a) a relevant statement is a statement giving an explanation of the defendant's failure to produce a fare ticket or general travel authority, together with any information as to his journey relevant to that explanation (including, in every case, an indication of the Metro stop where he boarded the Metro vehicle); and
 - (b) a statement is provided in due time if it is provided when the defendant 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 is completed.

Status: *This is the original version (as it was originally enacted).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

- (6) In this section “the required imprint” means an imprint signifying a date, time and stop (being the date and time when, and the Metro stop where, the imprint is made).