



Regulation of Railways Act 1889

1889 CHAPTER 57 52 and 53 Vict

5 Penalty for avoiding payment of fare.

- (1) Every passenger by a railway shall, on request by an officer or servant of a railway company, either produce, and if so requested deliver up, a ticket showing that his fare is paid, or pay his fare from the place whence he started, or give the officer or servant his name and address; and in case of default shall be liable on summary conviction to a fine not exceeding [^{F1}level 2 on the standard scale].
- (2) If a passenger having failed either to produce, or if requested to deliver up, a ticket showing that his fare is paid, or to pay his fare, refuses [^{F2}or fails] on request by an officer or servant of a railway company, to give his name and address, any officer of the company or ^{F3} . . . may detain him until he can be conveniently brought before some justice or otherwise discharged by due course of law.
- (3) If any person—
 - (a) Travels or attempts to travel on a railway without having previously paid his fare, and with intent to avoid payment thereof; or
 - (b) Having paid his fare for a certain distance, knowingly and wilfully proceeds by train beyond that distance without previously paying the additional fare for the additional distance, and with intent to avoid payment thereof; or
 - (c) Having failed to pay his fare, gives in reply to a request by an officer of a railway company a false name or address,he shall be liable on summary conviction to a fine not exceeding [^{F4}level 3 on the standard scale], or, in the case of a second or subsequent offence, either to a fine not exceeding [^{F4}level 3 on the standard scale], or in the discretion of the court to imprisonment for a term not exceeding [^{F5}three months].
- (4) The liability of an offender to punishment under this section shall not prejudice the recovery of any fare payable by him.

Textual Amendments

- F1** Words substituted (E.W.S.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48\)](#), **ss. 37, 39(1)(b)(ii)**, 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **ss. 289F, 289G**

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: Regulation of Railways Act 1889, Section 5 is up to date with all changes known to be in force on or before 04 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- F2** Words inserted in relation to railways of (a) British Railways Board by [British Railways Act 1965 \(c.xxi\)](#) s. 35(5) and (b) London Transport Executive by [London Transport Act 1965 \(c.xli\)](#), **s. 34(5)**
- F3** Words repealed (E.W.) by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119, **Sch. 7 Pt. I**
- F4** Words substituted (E.W.S.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48\)](#), **ss. 37, 39(1)(b)(ii), 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **ss. 289F, 289G**
- F5** Words substituted by [Transport Act 1962 \(c. 46\)](#), **s. 84(2)**

Modifications etc. (not altering text)

- C1** Ss. 1(1)(c), 5 the expressions “company” and “railway company” extended by [Channel Tunnel Act 1987 \(c. 53, SIF 102\)](#), **ss. 43, 45, Sch. 6 para. 3, Sch. 7 Pt. VI para. 2**
- C2** S. 5 applied (E.W.S.) (29.1.1991) by [S.I. 1991/134](#), **art. 3(2)**.
S. 5 applied (E.W.S.) (28.3.1991) by [S.I. 1991/933](#), **art. 3(2)**.
S. 5 applied (E.W.S.) (25.4.1991) by [S.I. 1991/1111](#), **art. 3(2)**.
S. 5 applied (E.W.S.) (4.5.1991) by [S.I. 1991/1162](#), **art. 3(2)**.
S. 5 applied (E.W.S.) (26.6.1991) by [S.I. 1991/1619](#), **art. 3(2)**.
S. 5 applied (E.W.S.) (31.8.1991) by [S.I. 1991/1965](#), **art. 5(2)**.
S. 5 applied (E.W.S.) (28.9.1991) by [S.I. 1991/2194](#), **art. 3(3)**.
S. 5 applied (E.W.S.) (28.9.1991) by [S.I. 1991/2210](#), **art. 3(2)**.
S. 5 applied (E.W.S.) (26.11.1991) by [S.I. 1991/2682](#), **art. 3(3)**.
S. 5 applied (E.W.S.) (6.12.1991) by [S.I. 1991/2812](#), **art. 3(3)**.
- C3** S. 5 applied (E.W.S.) (29.4.1992) by [S.I. 1992/1113](#), **art. 3(3)**.
S. 5 applied (E.W.S.) (21.5.1992) by [S.I. 1992/1267](#), **art. 4(2)**.
S. 5 applied (E.W.S.) (26.3.1993) by [S.I. 1993/1083](#), **art. 3(3)**.
S. 5 applied (E.W.S.) (2.9.1993) by [S.I. 1993/2153](#), **art. 3(2)**.
S. 5 applied (E.W.S.) (22.1.1997) by [S.I. 1997/102](#), **art. 3(2)**.
S. 5 applied (E.W.S.) (14.5.1994) by [S.I. 1994/1331](#), **art. 3(3)**.
S. 5 applied (E.W.S.) (16.10.1996) by [S.I. 1996/2660](#), **art. 4(5)**.
S. 5 applied (E.W.S.) (4.5.1996) by [S.I. 1996/1267](#), **art. 3(3)**.
S. 5 incorporated (with modifications)(4.3.1994) by [S.I. 1994/691](#), **s. 3(1)**.
S. 5 applied (4.5.1995) by [S.I. 1995/1236](#), **art. 3(3)**.
S. 5 incorporated (29.7.1995) by [S.I. 1995/2142](#), **art. 3(1)**
- C4** S. 5(1) modified by [Channel Tunnel Act 1987 \(c. 53, SIF 102\)](#), **ss. 43, 45, Sch. 6 para. 4(1), Sch. 7 para. 2**
- C5** S. 5(1)(2) modified (27.7.1993) by [1993 c. xv](#), **s. 63**
S. 5(1)(2) applied (with modifications) (21.7.1994) by [1994 c. xv](#), **s. 66(1)(2)**
- C6** S. 5(1)(3) modified (18.12.1996) by [1996 c. 61](#), s. 20, **Sch. 9 para. 8(1)**
S. 5(2) modified (18.12.1996) by [1996 c. 61](#), s. 20, **Sch. 9 para. 8(2)(c)**
- C7** S. 5(2) modified by [Channel Tunnel Act 1987 \(c. 53, SIF 102\)](#), **ss. 43, 45, Sch. 6 para. 4(2)(c), Sch. 7 para. 2**
- C8** S. 5(3) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 35** (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)
- C9** S. 5(3) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **s. 289E** (as inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 54** (in relation to liability on first and subsequent convictions), applies (S.)
- C10** S. 5(3) modified by [Channel Tunnel Act 1987 \(c. 53, SIF 102\)](#), **ss. 43, 45, Sch. 6 para. 4(1), Sch. 7 para. 2**
- C11** S. 5(3)(a)(b) restricted (21.7.1994) by [1994 c. xv](#), **s. 55(1)(2)(c)**

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