



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 ^{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.

[^{F6}(5) In this section—

- (a) “railway company” includes an operator of a train, and
- (b) “operator”, in relation to a train, means the person having the management of that train for the time being.]

Status: Point in time view as at 28/12/2012. This version of this provision has been superseded.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 25 April 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)

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](#)
- 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\(2\)](#)
- F6** S. 5(5) added (E.W.S.) (1.4.1994) by S.I. 1994/857, [art. 2 Sch. para 5](#)

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\(1\)](#).
S. 5 applied (16.5.2002) by S.I. 2002/1384, [art. 3\(3\)](#) (with arts. 10(2), 11)
- C4** S. 5 restricted (3.7.2000) by 1999 c. 29, s. 245, 425(2), [Sch. 17](#), para. 8(1)(2)(3)(a)(4) (with [Sch. 12 para. 9\(1\)](#)); S.I. 2000/801, [art. 2](#), [Sch. Pt. 3](#)
- C5** S. 5 applied (S.) (28.12.2012) by [The Banchory and Crathes Light Railway Order 2012 \(S.S.I. 2012/345\)](#), arts. 1, [5\(2\)](#)
- C6** 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](#)
- C7** 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\(1\)\(2\)](#)
- C8** 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\(2\)\(c\)](#)
- C9** S. 5(1) modified (22.7.2008) by [Crossrail Act 2008 \(c. 18\)](#), [Sch. 11 para. 7\(1\)](#)
- C10** 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](#)
- C11** S. 5(2) modified (22.7.2008) by [Crossrail Act 2008 \(c. 18\)](#), [Sch. 11 para. 7\(2\)](#)

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- C12** 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.)
- C13** 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.)
- C14** 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**
- C15** S. 5(3) modified (22.7.2008) by **Crossrail Act 2008** (c. 18), **Sch. 11 para. 7(1)**
- C16** S. 5(3)(a)(b) restricted (21.7.1994) by 1994 c. xv, **s. 55(1)(2)(c)**

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