
STATUTORY INSTRUMENTS

2018 No. 366

The Railways (Penalty Fares) Regulations 2018

PART 2

Penalty Fares

Penalty fares and criminal offences

11.—(1) A person who has been charged a penalty fare under regulation 5(1) is not liable to pay where proceedings for any of the offences specified in paragraph (4) are also brought against that person in relation to the same failure to produce a platform ticket or a valid travel ticket which gave rise to that penalty fare.

(2) If a person to whom paragraph (1) applies has paid the penalty fare, or part of it, the operator on whose behalf the penalty fare was charged must refund that person the amount paid within the period of 10 working days, beginning with the day on which proceedings are brought.

(3) Where a person falling within paragraph (1)(a) has appealed against the penalty fare under regulation 16, proceedings for any of the offences specified in paragraph (4) may only be brought against that person for the same failure to produce a platform ticket or a valid travel ticket if the operator, on whose behalf the penalty fare was charged, notifies the relevant Appeal Panel that the penalty fare is cancelled before—

- (a) the relevant Appeal Panel has decided the outcome of the appeal under regulation 16; or
- (b) the time period mentioned in paragraph 6 of Schedule 2 expires,

whichever is sooner.

(4) The offences referred to in paragraphs (1) and (3) are the offences under—

- (a) section 5(3)(a) or (b) of the Regulation of the Railways Act 1889(1);
- (b) any byelaw made under—
 - (i) section 67 of the Transport Act 1962(2);
 - (ii) section 129 of the Railways Act 1993(3);
 - (iii) section 219 of the Transport Act 2000(4);

(1) 1889 c. 57; the maximum fine in section 5(3) was increased by Schedule 1 to the British Railways Act 1977 (c. xvii) and then subsequently converted to level 3 on the standard scale in England and Wales by section 46 of the Criminal Justice Act 1982 (c. 48) and in Scotland by section 289G of the Criminal Procedure (Scotland) Act 1975 (c. 21).

(2) 1962 c. 46; subsection (3) of section 67 was substituted by section 37 of the Transport Act 1981 (c. 56); the penalty in paragraph (a), and the first mentioned fine in paragraph (b), of that subsection were subsequently converted to references to the standard scale in England and Wales by section 46 of the Criminal Justice Act 1982; section 67 was subsequently repealed by Part 4 of Schedule 31 to the Transport Act 2000 (c. 38) but any byelaws made under section 67 that were in force immediately before it was repealed continue in force by virtue of paragraph 5 of Schedule 28 to the Transport Act 2000.

(3) 1993 c. 43; section 129 was repealed by Part 4 of Schedule 31 to the Transport Act 2000 (c. 38) but any byelaws made under section 129 that were in force immediately before it was repealed continue in force by virtue of paragraph 5 of Schedule 28 to the Transport Act 2000.

(4) 2000 c. 38; section 219 was repealed by Part 1 of Schedule 13 to the Railways Act 2005 (c. 14) but any byelaws made under section 219 that were in force immediately before it was repealed continue in force by virtue of section 46(4) of, and paragraph 2 of Part 2 of Schedule 13 to, the Railways Act 2005 (c. 14).

(iv) section 46 of the Railways Act 2005⁽⁵⁾.

⁽⁵⁾ 2005 c. 14; section 46 was amended by S.I. 2005/3050.