

# **Policy**

## **Penalty Fares May 2002**



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## 1 Introduction

### The need to protect revenue

- 1.1 Each year, the UK rail network carries 750 million passengers and earns over £3 billion from the sale of tickets. Even if only a small percentage of these passengers travel without paying, the rail network will lose a considerable amount of money. Reducing the number of people who travel without a ticket is not only in the interests of the operator, but also in the interests of most fare-paying passengers. Few of us want to pay more for our tickets because some people avoid paying, and the loss of income due to people travelling without tickets reduces the money available to invest in a better rail service.

### What are 'penalty fares'?

- 1.2 Train operators can reduce the number of people who travel without a ticket in a number of ways. On long-distance trains, it is often possible for the on-board staff to check every passenger's ticket. On rural routes, trains stop more often, but as they usually have fewer coaches and carry a smaller number of passengers, on-board ticket checks can also be effective. However, on urban and suburban routes, where station stops are frequent and the trains are often busy, it is not always possible to check every passenger's ticket between every station. In the past, tickets have been inspected by staff at ticket barriers, but it is very expensive to provide staff at every ticket barrier and also inconvenient for passengers. An alternative is to operate a 'penalty fares' scheme.
- 1.3 A penalty fares scheme works on the same principle as a 'pay and display' car park, where motorists may have to pay a penalty if they do not buy a ticket when they park. Where penalty fares apply, rail passengers must buy their tickets before they start their journey wherever there are facilities for them to do so. If a passenger gets on a train without a ticket at a station where ticket facilities are available, they will have to pay a penalty fare if asked to do so by a ticket inspector who has been appointed as an 'authorised collector'. The penalty is £10 or twice the full single fare from the station where the passenger got on the train to the next station at which the train stops, whichever is the greater. If the passenger wants to travel beyond the next station, they must also pay the relevant fare from that station to their final destination.

### What is the role of the SRA?

- 1.4 To protect fare-paying passengers, all penalty fares schemes must follow a set of regulations made by the Secretary of State and a set of rules made by the Strategic Rail Authority (SRA). Under the rules, any operator who wants to charge penalty fares on all or part of their network must send us details of their scheme and get our approval. We will make sure that they follow the rules, regulations and the contents of their scheme.

### The purpose of this document

- 1.5 This document explains our policy on penalty fares, and sets out how we will decide whether or not to approve a particular penalty fares scheme. It is written to help train operators' staff design and operate a penalty fares scheme, and for members of the public and other people who want to know how we protect the interests of rail users where penalty fares are charged. **You should read this policy statement with the SRA's Penalty Fares Rules 2002, which can be found in appendix A.**

## 2 Background

### Origins

- 2.1 A penalty fares system was first developed in the late 1980s by the Network SouthEast sector of British Rail (BR), as a way to protect revenue in its particular circumstances. As well as reducing the expense of inspecting tickets at ticket barriers, BR also wanted to reduce the number of cases that were referred to the courts. Before penalty fares were introduced, the only way to deter people from travelling without a ticket was to prosecute them under the Regulation of Railways Act 1889. This was time-consuming, costly and often ineffective. For a prosecution to be successful, it had to be proved that the passenger intended to avoid paying. This was often difficult as most passengers without tickets were willing to pay if they were challenged, but did not pay if they were not challenged.
- 2.2 The British Rail (Penalty Fares) Act 1989 allowed BR to name particular train services or areas at stations in which people without a valid ticket would have to pay a penalty. Nine Network SouthEast divisions introduced penalty fares schemes under this act between 1990 and 1994, and each scheme was approved by the Secretary of State for Transport as required by the legislation. The system included a right of appeal to an organisation within BR which was independent of the management of individual penalty fares schemes. For people who regularly travelled without a ticket, BR kept the right to prosecute them in the courts as before.

### The Railways Act 1993 and Transport Act 2000

- 2.3 When the railways were restructured for privatisation, section 130 of the Railways Act 1993 ('the Act') became the new legal basis for charging penalty fares. The Railways Act allows the Secretary of State to make regulations in connection with penalty fares, and the regulations allowed the Regulator to make rules. Section 130 of the Railways Act is still the legal basis for charging penalty fares, but in February 2001 the Transport Act 2000 transferred responsibility for making rules to the Strategic Rail Authority. There is a copy of section 130 in appendix C.

### The Railways (Penalty Fares) Regulations 1994

- 2.4 The Secretary of State has made regulations, as allowed by the Act, known as the Railways (Penalty Fares) Regulations 1994. These came into force on 1 April 1994 and set out (amongst other things):
  - the amount of the penalty fare (currently £10 or twice the full single fare from the station where the passenger started their journey to the next station at which the train stops, whichever is the greater);
  - that operators may recover unpaid penalty fares as a civil debt;
  - that passengers may be charged a penalty fare or prosecuted for a given offence, but not both; and
  - that it is an offence for a passenger to refuse to give his or her name and address if an authorised collector asks them to do so. The regulations set an appropriate level of fine for this offence.

The regulations allow us to make rules about charging penalty fares on matters other than these. There is a copy of the regulations in appendix B.

**The Penalty Fares Rules 2002**

- 2.5 We have made rules about charging penalty fares, as we are authorised to do by the Act and the regulations. The current rules are the Penalty Fares Rules 2002 (the ‘Rules’), which came into force on 1 May 2002. They replace the Penalty Fares Rules 1997 which were introduced by the Rail Regulator on 28 April 1997.
- 2.6 Under the rules, any operator who wants to charge penalty fares must send us details of their scheme and get our approval. The rules set out the circumstances in which passengers may or may not be charged a penalty fare, and they make a number of requirements about how penalty fares are charged. The rules allow us to stop operators charging penalty fares, either completely or in part, if the operator fails to follow any of the rules or regulations, or if we believe that penalty fares are being charged in a way which does not provide sufficient protection for passengers. There is a copy of the Penalty Fares Rules 2002 in appendix A.

**Penalty fares schemes**

- 2.7 At the time of writing, the following train companies have a penalty fares scheme which we have approved on all or part of their network.

Connex South Eastern	(inner suburban area only)
SouthCentral	(inner suburban area only)
South West Trains	(inner suburban area only)
Thameslink	(Bedford to Redhill only)
First Great Eastern	(most routes other than paytrain lines)
c2c Ltd	(all routes)
Arriva Trains Merseyside	(most stations, but this scheme is currently suspended)
Thames Trains	(West Drayton to Paddington and branches only)
Central Trains	(Birmingham area only)
Nexus (Tyne & Wear Metro)	(all routes)
Chiltern Railways	(all routes)
West Anglia Great Northern	(all routes except passengers to and from Stansted Airport)
Arriva Trains Northern	(Leeds area only)

**Penalty fares on the London Underground**

- 2.8 London Underground Limited (LUL) also has a penalty fares scheme. However, the basis for this scheme is the London Regional Transport (Penalty Fares) Act 1992 and the Greater London Authority Act 1999. We have no authority over the Underground penalty fares scheme, which is not covered by this policy or by the Penalty Fares Rules.

### **3 The SRA's role**

- 3.1 We believe that train operators should be responsible for protecting their own revenue, as they have a direct incentive to make sure that their procedures are effective. Each train operator must devise its own revenue protection strategy, and decide for themselves whether this should include a penalty fares scheme. We do not intend to either promote or discourage the operation of penalty fares schemes.
- 3.2 A penalty fares scheme reverses the normal 'burden of proof' which would apply if a person was prosecuted for not paying their fare. In that case, the train operator would have to prove beyond reasonable doubt that the defendant intended to avoid paying their fare. Under a penalty fares scheme, anyone found without a valid ticket must normally pay a penalty, if they have previously been given the opportunity to buy a ticket and have passed the penalty fares warning signs. In this case, the passenger would have to show that they had a valid reason for not having a ticket. For this reason, we see our main role as making sure that the interests of honest passengers are protected, both in the way existing schemes are run and in the contents of any new schemes which we approve.
- 3.3 In protecting passengers' interests, it is very important that passengers know about penalty fares schemes and how they work. We believe that this will be easier to achieve if different operators' schemes are made more consistent. The amount of the penalty, the circumstances in which passengers are and are not liable to a penalty fare, and the way in which appeals are decided, have been consistent across all schemes for some time. However, other aspects of penalty fares schemes are different for different operators. We recognise that penalty fares schemes may need to be adapted to suit local circumstances, but we will encourage greater consistency between schemes.
- 3.4 We acknowledge that ticketless travel has a negative effect on fare levels and investment, and so has a negative effect on most passengers. Although our main aim is to protect honest passengers, we recognise that train operators need to protect their revenue if they are to provide an effective rail service.

### **4 How we will decide whether to approve a penalty fares scheme**

#### **Is a penalty fares scheme appropriate?**

- 4.1 When considering a penalty fares scheme, we will first consider whether penalty fares are appropriate, given the type of train service provided and the other ways in which that operator could protect its revenue. A penalty fares scheme is most suited to urban or suburban train services where most stations have ticket facilities, and where busy trains and short intervals between stations make it impossible to check every passenger's ticket between every stop. We may question the need for a penalty fares scheme to cover long-distance services, where a conductor is able to check every passenger, or rural services operated as 'paytrains', where most stations are unstaffed and it is normal practice to buy tickets on board the train. Also, automatic ticket gates are being used at more stations to control entry to the platforms. A penalty fares scheme might not be necessary if all, or almost all, of the stations concerned had these gates.

### Basic conditions

- 4.2 As long as we think that a scheme is appropriate in principle, we will assess penalty fares schemes according to the following basic conditions.
- a **Passengers must be fully informed** before they get on a penalty fares train or enter a compulsory ticket area that they need to buy a ticket or permit to travel before starting their journey, and that they may have to pay a penalty if they do not.
  - b **Passengers must be given a sufficient opportunity to buy a ticket or permit to travel** before they get on a penalty fares train or enter a compulsory ticket area.
  - c **Passengers must not be made to pay a penalty fare if they were not given the opportunity to buy a ticket or permit to travel** before they got on a penalty fares train or entered a compulsory ticket area.

The following paragraphs describe the features which we think a penalty fares scheme must have in order to meet these basic conditions. We have come to this conclusion through consultation with passenger groups and train companies, and through experience of how penalty fares schemes operate, including industry best practice.

### Penalty fares trains

- 4.3 ‘Penalty fares trains’ are the train services for which penalty fares may be charged. A train operator will normally name as penalty fares trains all the trains which it runs within a particular geographical area or on a particular route or routes. A train service does not have to be a penalty fares train for the whole of its journey. It will be a penalty fares train while it is within the specified area or travelling over the specified section of route, and will not be a penalty fares train on the part of its journey outside this area or section of route. In deciding which trains should be penalty fares trains, an operator should take account of the geography of the train service, the ticket facilities available at the stations which will be served and whether the area covered can be easily explained to passengers.

### Penalty fares stations

- 4.4 Passengers on a penalty fares train may only be charged a penalty fare if they got on that train at a station which has been named as a ‘penalty fares station’ by the relevant penalty fares scheme. At these stations, penalty fares warning notices must be displayed and sufficient ticket facilities provided.
- 4.5 Operators must normally name each of the stations served by penalty fares trains as a penalty fares station. For example, if all trains within an area bounded by stations x, y and z have been named as penalty fares trains, all stations within that area, including x, y and z, should normally be named as penalty fares stations. However, an operator may not want to include certain stations for a number of reasons. For example, if the station:
- has no ticket facilities as it is unstaffed, and not enough passengers use the station to justify a ticket or ‘permit to travel’ machine (PERTIS);
  - has no ticket facilities as it is unstaffed, and the amount of vandalism means that it is not practical to maintain an operational ticket or ‘permit to travel’ machine; or

- serves a port or airport and is used by a large number of foreign visitors and people who do not often travel by train, making it undesirable to charge penalty fares to passengers from this station.

Operators must make sure that if these stations are not made penalty fares stations, this does not cause confusion or make the scheme difficult to explain to passengers.

### Compulsory ticket areas

- 4.6 The Penalty Fares Rules allow an operator to create compulsory ticket areas (CTAs) at stations. A CTA is an area at a station, usually the platforms and any footbridge, subway or circulating area linking the platforms, in which everyone must have a valid ticket or platform ticket, even if they have not travelled yet or are not going to travel.
- 4.7 CTAs increase the risk to honest passengers because people who have not travelled, or who do not intend to travel, may also be charged a penalty fare if they do not have a platform ticket or other authority allowing them to enter the CTA. This could include people who are meeting passengers or seeing passengers off, or people who are simply using the station facilities. Operators do not need to create a CTA to charge penalty fares to passengers who have got off a train. Penalty fares may be charged to someone leaving a train, and the rules make it clear that 'a person leaving a train' includes someone who is present at or leaving a station having left a train arriving at that station. CTAs are only necessary at larger and busier stations, where revenue protection can only be carried out effectively if it is no longer necessary for authorised collectors to prove who has and has not got off a train.
- 4.8 A CTA should normally only be created if **all** the train operators using that station (or the particular part of the station covered by the CTA) have a penalty fares scheme. CTAs should not normally be created at stations (or parts of stations) that are served by trains which are not part of any operator's penalty fares scheme.
- 4.9 Warning notices must be placed at each entrance to the CTA, in line with rule 4. CTAs can cause confusion if there are no barriers at the entrance to the platforms because people think that they are free to walk onto the platforms without a ticket. So it is **very important** that a CTA is clearly marked so that people know they must have a ticket or platform ticket before they enter that area.
- 4.10 At stations with a CTA, operators must make arrangements for people who are not travelling to be allowed into the part of the station covered by the CTA, if they have a good reason. This includes people who are meeting passengers, seeing passengers off or helping them with luggage, people helping passengers with disabilities, and people such as railway enthusiasts. The arrangements might include making platform tickets available at the ticket office or from a machine. People who are helping passengers with disabilities should not be charged to enter a CTA.

### Ticket facilities

- 4.11 One of the SRA's three basic conditions for approving a penalty fares scheme is that passengers must be given a sufficient opportunity to buy a ticket or permit to travel before they get on a penalty fares train or enter a compulsory ticket area. Every penalty fares station must have sufficient facilities for selling tickets.



- 4.12 Where penalty fares apply, passengers must allow enough time to buy a ticket, including time to queue, if necessary. Under normal circumstances, passengers may still be charged a penalty fare if they join a train without a ticket, even if there was a queue at the ticket office or ticket machine. However, we expect operators to provide enough ticket windows, ticket machines and staff at staffed stations to meet the queuing standards set out in the Ticketing and Settlement Agreement and their Passenger's Charter under normal circumstances. This standard is normally five minutes at peak times and three minutes at other times. If queues at a particular station regularly fail to meet these standards at certain times or days of the week, the operator must either take action to sort out the problem before a penalty fares scheme is introduced or make sure that passengers are not charged penalty fares when these queuing standards are not met. This might include providing extra staff or ticket machines. A penalty fares scheme must include arrangements for telling authorised collectors when long queues build up at ticket offices (see paragraph 4.33).
- 4.13 At staffed stations, operators must provide a second way of selling tickets in addition to the ticket office. This might be a 'permit to travel' machine or one or more self-service ticket machines. This is necessary because the ticket office may not be open at all times when trains are running, and there may be times when the ticket office is closed because of staff sickness or for other reasons. There may also be a need to provide back-up at busy times when queues might build up. Arrangements must be in place for the machines to be checked regularly by station staff and any faults put right quickly. Arrangements must be in place for any 'permit to travel' machine to be switched on when the ticket office is closed, temporarily unstaffed, or when long queues build up.
- 4.14 In exceptional circumstances, an operator may not need to provide a second way of selling tickets, if the ticket office is open at all times when trains are running and suitable arrangements have been made to deal with problems such as staff sickness, for example, through a system of stand-by staff who can be sent to any ticket office which does not open when it should.

### **Unstaffed stations**

- 4.15 We do not recommend that large numbers of unstaffed stations are included in a penalty fares scheme. However, unstaffed stations can be penalty fares stations as long as they have at least one self-service ticket machine or one 'permit to travel' machine. Suitable processes must be in place to make sure that the machines are checked regularly and any faults put right quickly. A system must be in place which allows authorised collectors to confirm that these machines are working properly, and this must be effective. The instructions given to authorised collectors must tell them that if they are not sure whether the machines are working properly, they must give passengers the benefit of the doubt.

### **Publicity**

- 4.16 A penalty fares scheme will only be effective in reducing the number of people who travel without a ticket if passengers know about the scheme. The best way to prevent honest passengers having to pay a penalty is also to make sure that they know about the scheme. Operators must think carefully about how they will publicise their scheme, both before and after it is introduced, and must set aside enough money for this purpose.

- 4.17 Under rule 3, notices must be displayed at every penalty fares station, for at least three weeks before a new penalty fares scheme is introduced, to tell passengers about the scheme. Less than three weeks may not be enough warning for less regular travellers, but much longer periods should be avoided because the effect may wear off before the scheme is introduced. The format and content of the notices must be in line with rule 4.3.
- 4.18 As well as displaying the notices required by the rules, we expect operators to publicise a new penalty fares scheme in other ways. This should include posters, announcements on trains and stations, and perhaps advertisements in newspapers and on local radio or television.
- 4.19 We expect operators to produce leaflets to explain their scheme to passengers. The leaflets must explain how the scheme works and must include a route map showing the routes on which penalty fares trains run, and the stations which are penalty fares stations or which have a CTA. The leaflets should normally be made available three weeks before the scheme is introduced at every staffed penalty fares station and by post from the operator's customer services department. Operators must produce enough leaflets (and must print more leaflets when necessary) to make sure that copies are always available from each staffed penalty fares station and from customer services for as long as the scheme continues. The leaflets may be used as the summary of the scheme which, under rule 8.6, the operator may be asked to send to a passenger who is charged a penalty fare.
- 4.20 Leaflets in large print or on audio tape must be available from the operator's customer services department for people who have poor eyesight. In areas where a large number of people do not speak English as their first language, or when the penalty fares scheme will cover stations serving ports and airports, operators may need to produce leaflets and notices in other languages.

### Warning notices

- 4.21 Penalty fares warning notices must be displayed at every entrance to a CTA and at every penalty fares station so that at least one notice can be easily seen by anyone joining a penalty fares train (rule 4 of the Penalty Fares Rules). The best way to do this is to place a warning notice at every entrance to the station platforms. The notices must be prominent, easy to read, and easy to distinguish from other notices and the general surroundings. The notices must give the name of the operator, the circumstances in which a penalty fare may be charged and the amount of a penalty fare. To make sure that warning notices are consistent between different operators, they must be in line with a code of practice approved by the SRA. The Association of Train Operating Companies (ATOC) has produced a code of practice which we have approved for this purpose
- 4.22 The warning notices must be in place when the scheme is introduced, and must stay in place for as long as the scheme continues. If the notices at a particular station are covered up, damaged or removed for any reason, passengers who join a train at that station cannot be charged a penalty fare (rule 7). For this reason, the notices must be checked regularly and operators should include a check in their routine station audits.
- 4.23 As well as the fixed notices required by the rules, penalty fares warnings should be shown in the departure information for each penalty fares train shown on customer information screens and indicator boards at stations. For example, **'Please buy your ticket before boarding as penalty fares apply to this train'**. This is especially important at larger stations, where penalty fares apply to certain trains but not others.

- 4.24 Another best practice is to display warning notices on trains, although this may not be possible if rolling stock is also used on routes where penalty fares do not apply.

### **Authorised collectors**

- 4.25 Penalty fares may only be charged by staff who have been appointed as ‘authorised collectors’ (rule 5 of the Penalty Fare Rules). Under rule 5, authorised collectors must carry formal identification, which should include a photograph and identify the authorised collector by either name or number. To make sure that the form of identification is consistent between different operators, it must follow a code of practice approved by the SRA. ATOC has produced a code of practice which we have approved for this purpose.
- 4.26 Authorised collectors and other staff who sell tickets on trains often receive commission on the value of the tickets they sell. Some operators also pay staff a small amount of commission (typically 5%) on the value of the penalty fares charged. We have no objection to this, as long as the percentage is small and the relevant instructions about the use of discretion and the circumstances in which penalty fares may or may not be charged are strictly followed.

### **Selecting and training authorised collectors**

- 4.27 Schemes sent to us for approval must explain the arrangements for selecting and training authorised collectors. Schemes must also explain the arrangements for giving authorised collectors ‘refresher’ training and regular briefing. Authorised collectors have the power to charge a penalty fare to passengers who do not have a valid ticket, but they also have the discretion not to charge a penalty in certain circumstances. Selection procedures must make sure that the people appointed as authorised collectors can handle this discretion, and the training must make sure that they know how to use it.

Authorised collectors must be properly trained in the Penalty Fares Rules and the relevant penalty fares scheme or schemes, ticket types and restrictions, excess fare instructions, the National Routeing Guide and the National Rail Conditions of Carriage. We also expect training to be given in customer care and how to avoid conflicts.

Each trainee must be assessed after training, and they may only be appointed as an authorised collector (and given the formal identification referred to in rule 5) when their knowledge and ability is judged to be satisfactory. As well as initial training, authorised collectors will need refresher training at sufficient intervals to keep their knowledge up to date. A system of routine briefing is also needed to make sure that they are aware of day-to-day issues and events as they arise. We will need to be sure that these arrangements are satisfactory.

### **Instructions given to authorised collectors**

- 4.28 Operators sending us a scheme for approval must enclose a copy of the written instructions and information which will be given to each authorised collector, containing guidance and rules about their appearance, behaviour and use of discretion (rule 3 of the Penalty Fares Rules). The instructions must give authorised collectors the information they need about penalty fares trains and stations, ticket facilities and ticket office opening hours.
- 4.29 **When a penalty fare cannot be charged.** The instructions must make clear to authorised collectors when they can charge a penalty fare and when they can't. In particular, the

instructions must remind authorised collectors of situations where passengers are not liable to a penalty fare under the Penalty Fares Rules, for example in circumstances where the National Rail Conditions of Carriage allow the passenger to pay an excess fare. The instructions must cover the following instances.

- **Interchange.** A passenger who changes onto a penalty fares train at a penalty fares station may normally be charged a penalty fare if ticket facilities were available at the interchange station and warning notices were displayed where they could be seen by anyone changing onto the penalty fares train. However, under condition 7 of the National Rail Conditions of Carriage, the full normal range of tickets must be made available to any passenger who started their journey at a station where no ticket facilities were available. In these circumstances, a passenger should not be expected to buy a ticket at the interchange station if they do not have enough time to do so without missing their connection. If it is not possible to check whether or not ticket facilities were available at the station where the passenger started their journey (which may be a station run by a different train company), a penalty fare should not be charged.
- **Ticket restrictions.** Many types of ticket cannot be used at certain times of day, on certain days of the week or on certain trains. These ticket restrictions can be complicated, and even familiar tickets such as cheap day returns can have different restrictions on different routes. If a passenger travels on a train on which their ticket is not valid, it is more likely that the restrictions were not properly explained to them than that they are deliberately trying to avoid paying the right fare. We believe that it is up to the train operators to make sure that each passenger understands the restrictions which apply to the ticket which they are sold. Under rule 7, a passenger may not be charged a penalty fare if he or she has a ticket for the journey which they are making that is not valid on that train only because of a ticket restriction. In these cases, the passenger only needs to pay the excess fare, in line with the National Rail Conditions of Carriage.
- **Ticket routing.** A passenger who has a ticket for the journey they are making, but who is using a route on which their ticket is not valid, may not be charged a penalty fare. The National Rail Conditions of Carriage allow the passenger to pay an excess fare to travel on a different route from that shown on their ticket.
- **Season-ticket left at home.** We expect allowances to be made for season-ticket holders who, for one reason or another, fail to carry their season-ticket or photocard. The system used by most operators is that a penalty fare notice will be issued, but no payment will be taken. On two occasions for each person in any 12-month period, the penalty fare will be cancelled when the passenger appeals. Some operators have procedures for cancelling penalty fares notices without having to go through the appeals process and we want to encourage this. The instructions given to authorised collectors must explain what the authorised collector and the season-ticket holder must do in this situation.
- **Passengers travelling in first class accommodation with a standard class ticket.** Under the Penalty Fares Rules 2002, passengers who have standard class tickets but who travel in first class accommodation may be charged a penalty fare. This applies equally to season ticket holders and holders of tickets other than season-tickets. However, a penalty fare may not be charged if permission to occupy first class accommodation has been given by a member of staff or by a notice.

4.30 **Using discretion.** Authorised collectors must be given the discretion not to charge a penalty fare in a particular instance, even where the passenger is liable to pay a penalty fare under the Penalty Fares Rules. Operators must think carefully about the guidelines they give to authorised collectors about how they should use this discretion. We expect authorised collectors to use discretion towards:

- passengers who have mobility problems and passengers who are frail, elderly or heavily pregnant, who may not be able to reach the ticket office easily at the station where they joined the train, particularly if this would involve a footbridge, steps or a long walk (frail, elderly, or heavily pregnant passengers may not be able to stand in a ticket queue for very long);
- passengers who are not aware of the scheme because they are blind or partially sighted, are a foreign visitor who lives abroad, do not speak English very well, or have learning difficulties;
- passengers who are travelling from stations where the only ticket facilities available are ticket machines or a 'permit to travel' machine, and who have enough money (or a credit or debit card) to buy a ticket but not in the form needed to use the ticket or 'permit to travel' machine;
- passengers who are travelling from stations where the only ticket facilities available are ticket machines and who claim that the machines were accepting coins only, or the exact fare only, and the passenger did not have the necessary coins (unless the authorised collector can confirm that the machines were in fact working normally);
- passengers who are travelling from a station where the authorised collector has been told that long ticket office queues have built up, or where fewer ticket windows are open than normal;
- passengers with standard class tickets who are elderly or pregnant and who are travelling in first class accommodation because no standard class seats are available; and
- all passengers when the train service is severely disrupted.

4.31 **Minimum payment.** The instructions must remind authorised collectors that passengers do not have to pay all of the penalty fare immediately. Authorised collectors may require the passenger to make a minimum payment that is equal to the normal fare payable for the journey which the passenger is making. However, passengers have 21 days in which to pay the rest of the penalty fare. The instructions must give authorised collectors the discretion not to require this minimum payment, but to allow passengers 21 days in which to pay all of the penalty fare. It may be appropriate to use this discretion towards season-ticket holders who have failed to carry their ticket (see paragraph 4.29), as well as towards people who are at risk.

4.32 **People at risk.** Authorised collectors must take special care with children and other vulnerable passengers, such as people who are elderly, frail or heavily pregnant. This is particularly important at night or on last trains. In particular, children or other people at risk must not be left without enough money to return home, for example, if they need a bus fare or money for a phone call when they reach their destination. In the case of children, if an authorised collector decides to charge a penalty fare, no payment should normally be taken on the spot. Instead, the authorised collector should tell the child to hand the penalty fare notice to his or

her parents or guardian when they return home. In such cases, authorised collectors must also be given the discretion to make the penalty fare notice valid for the child to travel to their final destination.

### **Checking that ticket facilities are available and warning signs are displayed**

4.33 Under rule 7, a person cannot be charged a penalty fare if there were no ticket facilities available at the station where they joined the train, or if the warning notices required by rule 4 were not properly displayed. If a passenger says that they could not buy a ticket or that there were no warning signs, an authorised collector must be able to check that the warning signs are in place and not covered up or damaged, and whether ticket machines are working properly or the ticket office is open. Authorised collectors also need to know when long queues build up at a ticket office so that they can use their discretion towards passengers travelling from that station. This is usually done by giving each authorised collector a mobile phone and a pager to keep them in contact with a central control centre. Arrangements must be made for station staff to contact the control centre if a ticket office closes early or if long queues build up, and to advise the control centre of any ticket or ‘permit to travel’ machines that are not working. Operators must explain how ‘permit to travel’ and ticket machines at unstaffed stations will be monitored.

### **Selling tickets on penalty fares trains**

4.34 The basic principle of any penalty fares scheme is that passengers must buy their tickets **before** they get on their train. If passengers find that they can buy their ticket on the train from the conductor or guard, it undermines this message. For this reason, we will not allow tickets to be sold on penalty fares trains unless either:

- a the on-train staff are trained as, and act as, authorised collectors, so they can charge a penalty fare to any passenger who is liable for one; or
- b the on-train staff issue a printed penalty fares warning, as well as a ticket, to any passenger who is liable to a penalty fare, and draw the passenger’s attention to the warning.

In the case of (b), on-train staff must be given suitable training (and, when necessary, refresher training) in how the penalty fares scheme works, and how to issue these penalty fares warnings. A system must also be in place to make sure that on-train staff use the warnings properly. Where the warnings are issued using a portable ticket machine, such as ‘SPORTIS’, machine print-outs might be used to check that staff are issuing them. Any system must make sure that each individual conductor or guard is regularly monitored.

### **Arrangements between operators**

4.35 The operator of a penalty fares scheme may give the authorised collectors of another train company permission to collect penalty fares on its behalf. In line with rule 5, the identification which each of these authorised collectors carries must show that they are authorised to collect penalty fares on behalf of that operator. These authorised collectors must be given suitable training about the penalty fares scheme, including the relevant instructions and discretion guidelines which may be slightly different from those of the penalty fares scheme run by the operator which employs them. When a passenger is charged a penalty fare, it must always be made clear which operator’s penalty fares scheme applies.



- 4.36 Passengers travelling on the trains of another train operator cannot be charged a penalty fare if that operator does not have a penalty fares scheme, or if the authorised collector has not been authorised to collect penalty fares on behalf of that operator. The training and written instructions given to authorised collectors must make this clear.

## Appeals

- 4.37 A passenger may want to appeal against a penalty fare if they think that it has been charged incorrectly or unfairly, so an effective and independent appeals process is an essential part of any penalty fares scheme. However, we do not have the resources to deal with appeals ourselves, and we do not think it is appropriate for us to do so. Instead, under rule 9, every penalty fares scheme must include a process for handling and deciding appeals in line with a code of practice which we have approved.

- 4.38 We consider that an appeals procedure will need to have the following features if we are to approve it as part of a penalty fares scheme.

- **Independence.** The organisation deciding the appeals must be, and must be seen to be, independent of the day-to-day commercial management of individual operators. The cost of this organisation should be met by the operators, as it is part of the cost of using penalty fares as a way of protecting revenue. However, the funding of the appeals organisation should be independent of whether it accepts or turns down the appeals it processes.
- **Clear criteria for accepting or turning down an appeal.** We believe that appeals should be accepted in the following situations.
  - **If an operator has failed to meet the requirements of its scheme, the rules or the regulations.** For example, if warning notices were not properly displayed in line with rule 4, or the passenger could not buy a ticket because there were no ticket facilities available at the station where they joined the train.
  - **Where appropriate discretion has not been used.** For example, if the authorised collector has not used his or her discretion in line with the guidelines which he or she has been given.

In both cases, the staff who handle appeals must be given clear and specific criteria to decide whether a particular appeal should be accepted or turned down.

- **A consistent approach.** It is important for both passengers and operators to know that any appeal will be dealt with consistently. We believe that the best way to achieve this is to have a single appeals organisation. Appeals are unlikely to be dealt with consistently if each operator handles its own appeals.
- **Appropriately trained staff.** Staff who deal with appeals must have appropriate experience and training.
- **Access to the information needed to decide each appeal.** The appeals staff will need to assess whether the operator has failed to meet the requirements of its scheme, the rules and the regulations. To do this, operators must keep records of, for example, the actual opening hours of ticket offices, when ticket machines have broken down, and so on, and to give this information to the appeals organisation when it is needed. Appeals staff will also need to

assess whether an authorised collector has used his or her discretion in an appropriate way. To do this, arrangements will need to be made for authorised collectors and other staff to give their version of events to the appeals organisation when necessary.

Appeals must also take account of people's rights under the Human Rights Act 1998 and the European Convention on Human Rights. The appeal procedures must be compatible with these rights.

### **The Independent Penalty Fares Appeals Service (IPFAS)**

4.39 Every penalty fares scheme which has so far been approved has arranged for appeals to be dealt with by the Independent Penalty Fares Appeals Service (IPFAS), in line with the IPFAS code of practice. We have approved this code of practice for the purposes of rule 9.

4.40 IPFAS is managed by Connex SouthEastern Ltd, but as a separate unit whose management does not report to the commercial director. When the Regulator asked for opinions from the public and the rail industry a few years ago, most people agreed that appeals must be dealt with independently and consistently, but there was little agreement on what the practical arrangements should be. Some people questioned the need to change what was already in place. Without a practical alternative offering any clear advantages, we believe that the current arrangements are satisfactory, as long as IPFAS:

- remains a separate unit, with its own accounts and a line management that does not report to the commercial director;
- continues to decide appeals in line with a set of specific criteria which we have approved;
- continues to be funded independently of the outcome of the appeals it processes, for example, by receiving a set fee for each appeal, no matter whether that appeal is accepted or turned down; and
- continues to receive enough funding to carry out its functions, while costs are fairly distributed between operators using the service. To make sure that this is the case, we have agreed the charging arrangements between IPFAS and the operators who use the service.

4.41 We recognise that there may come a time when operators may want to change these arrangements. However, existing penalty fares schemes will need to be changed to reflect the new arrangements. We will need to be sure that the new arrangements are in place and are satisfactory before we approve any changes.

## **5 Guidelines for operators who want us to approve a scheme**

### **Informal discussion**

5.1 We strongly recommend that any operator who is considering introducing a penalty fares scheme should first discuss its plans with us informally. Operators should also discuss their plans informally with the relevant Rail Passengers Committee (RPC), any relevant Passenger Transport Executive (PTE), and any other train or station operator (including, if appropriate, London Underground) who will be affected. It is also good practice to advise the local British Transport Police. This will allow everyone to understand how the proposed scheme will work,



and any possible problems can be sorted out at this stage. We are happy to provide guidance on draft penalty fares schemes, and we strongly recommend that a draft of the scheme is sent to us informally before the formal notice is sent.

### **Formal notice**

- 5.2 When informal discussions have been completed, and the operator is confident that there are no serious objections, a formal notice should be sent to us in line with rule 3 of the Penalty Fares Rules. Under rule 3, a formal notice must be sent to us at least three months before the date when the penalty fares scheme will be introduced. This is normally enough for us to approve the scheme and for the operator to give passengers the necessary three weeks' notice, as long as the scheme has been thoroughly discussed in draft form beforehand. If any major issues have still not been sorted out when the formal notice is sent, more time might be needed.
- 5.3 The notice must give the reasons for wanting to introduce a penalty fares scheme, which should include a brief description of the expected benefits and the reasons for selecting penalty fares over other possible ways of protecting revenue. The notice must give the date on which the operator wants to start charging penalty fares.
- 5.4 The operator must send copies of the notice to the relevant RPC and any PTE whose stations or trains are covered by the scheme.

### **Description of the scheme**

- 5.5 A description of the penalty fares scheme must be sent with each copy of the notice. We recommend that operators send this in a loose-leaf ring binder. This will make it easy to update the document if any changes need to be made before we approve it, or if the operator wants to make any changes at a later date under rule 11. Each page must carry a page number and the date of issue so that changes can be tracked.
- 5.6 The issues which the description of the scheme must cover are listed in rule 3 of the Penalty Fares Rules. The guidelines which follow explain in more detail what we expect to be included under each of the headings listed in that rule. Operators must give enough detail for us to confirm that the scheme deals with each of the issues raised in that section.
- 5.7 A template penalty fares scheme is attached in appendix D, and we recommend that operators use this as the basis for their scheme. The template should be changed as necessary to reflect the details of the scheme.

### **'the train services which will become penalty fares trains for the purposes of the scheme'**

- 5.8 The description of the scheme must name the train services which are to be penalty fares trains. This may be done by area or by route, for example, 'All train services operated by [name of operator] within the area bounded by [list of boundary stations]' or 'All train services operated by [name of operator] on the following routes: station x to station y, station p to station q'.
- 5.9 A map or plan should be included showing the routes and area which the scheme will cover.

**‘the stations which will become penalty fares stations for the purposes of the scheme’**

- 5.10 The description of the scheme must list the names of the stations which will be penalty fares stations.
- 5.11 The description of the scheme must list any stations that are directly served by penalty fares trains but which will **not** be made penalty fares stations, giving the reason.

**‘the stations where there will be compulsory ticket areas, and the location and extent of these areas’**

- 5.12 The description of the scheme must list:
- the name of any station where there will be a CTA;
  - a brief description of the part of the station that the CTA will cover (for example ‘all platforms and the footbridge’);
  - the reason why the CTA is necessary; and
  - the arrangements that will be made to allow people who are not travelling to enter the part of the station covered by the CTA, if they have a good reason for doing so.

**‘the ticket selling facilities available at each penalty fares station’**

- 5.13 The description of the scheme must give, for each penalty fares station:
- the opening hours of any staffed ticket office;
  - the number and type of self-service ticket machines;
  - the number of ‘permit to travel’ machines (PERTIS);
  - the arrangements for switching on any ‘permit to travel’ machine when the ticket office is closed, temporarily unstaffed, or when long queues build up;
  - the arrangements for checking ticket or permit machines, and putting any faults right; and
  - confirmation that under normal circumstances, the queuing standards set out in the operator’s Passenger’s Charter and in the Ticketing and Settlement Agreement are met at that station, or, if they are not, a description of what will be done to make sure that the standards will be met in future or to make sure that passengers are not charged penalty fares when the standards are not met.

For each type of ticket machine, there should be a brief description of the range of ticket types sold by that type of machine, the number of destinations available and the methods of payment which are accepted.

**‘the arrangements for publicising the penalty fares scheme and for displaying warning notices in line with rule 4’**

- 5.14 The description of the scheme must include:
- confirmation that notices will be displayed at each penalty fares station for at least three weeks before the scheme is introduced, in line with rule 3.4 (the wording of these notices should be attached to the description of the scheme);

- confirmation that staff (including platform staff, ticket office staff, traincrew and customer services staff) will be briefed on the scheme and how it will work;
- details of the planned publicity before the scheme is launched, including details of posters, announcements on trains and at stations, and any newspaper or radio adverts (if possible, the script of any announcement and the wording of any poster should be attached to the description of the scheme);
- confirmation that leaflets explaining the scheme will be produced and made available at each staffed penalty fares station at least three weeks before the scheme is introduced (the wording of the leaflet should be attached to the description of the scheme);
- a commitment to make sure that these leaflets are available at every staffed penalty fares station and from the operator's customer services department for as long as the scheme is in force;
- confirmation that large print and audio versions will be available from the operator's customer services department if passengers ask;
- confirmation that penalty fares warning notices will be displayed at every penalty fares station and at each entrance to each CTA in line with rule 4, and that these will follow a code of practice which we have approved (the wording and design of these notices should be attached to the description of the scheme);
- details of the arrangements for checking that the warning notices are properly displayed; and
- details of how customer information systems will be used to show penalty fares warnings for individual trains.

**'the procedures for selecting and training, and briefing and refresher training, the people who are to be appointed as authorised collectors'**

5.15 The description of the scheme must include:

- a description of the selection processes for authorised collectors (if a person specification will be used, it should be attached to the description of the scheme);
- a description of the initial training which authorised collectors will receive;
- the training standard, if training is to be given to a particular recognised standard;
- details of the procedures for assessing and certifying authorised collectors after training;
- a description of the arrangements for regularly briefing authorised collectors; and
- a description of the refresher training and re-certification of authorised collectors, including details of how often they will be given refresher training.

**‘the systems and procedures to allow authorised collectors to check that ticket selling facilities are available and that warning notices are displayed at each penalty fares station for the purpose of rule 7’**

5.16 The description of the scheme must explain the arrangements for telling authorised collectors about ticket offices which are closed when they should be open, ‘permit to travel’ and ticket machines which are not working properly and ticket offices where long queues have built up. The description must include the opening hours of any control centre.

**‘the arrangements for selling tickets on board penalty fares trains’**

5.17 The description of the scheme should normally say one of the following.

- a The operator does not intend to train its on-train staff as authorised collectors. However, staff who are not trained as authorised collectors will not be allowed to sell tickets on board penalty fares trains unless they are accompanied by an authorised collector.
- b The operator will train its on-train staff as authorised collectors. Any staff who are not trained as authorised collectors will not be allowed to sell tickets on board penalty fares trains unless they are accompanied by an authorised collector.
- c The operator does not intend to train on-train staff as authorised collectors. On-train staff will check and sell tickets on board penalty fares trains, but will give a printed penalty fares warning to any passenger who is liable to a penalty fare, and draw that passenger’s attention to the warning.

5.18 In the case of penalty fares schemes which use the printed warnings described in c above, the following information must also be provided.

- The wording and a description of the printed warning, and details of how it will be issued.
- Details of the training which on-train staff will receive about the principles of the penalty fares scheme and how to use the printed penalty fares warning.
- Details of ‘refresher’ training which on-train staff will receive and how often it will be given.
- Details of the processes and procedures which the operator will use to make sure that each member of on-train staff issues the penalty fares warnings properly.

**‘any arrangements which will apply between the operator and any other operator relating to:**

- **collecting penalty fares at stations which are served by more than one operator; and**
- **charging penalty fares in connection with a compulsory ticket area at a station that is served by trains of more than one operator.’**

5.19 The description of the scheme must name any penalty fares stations or stations with a CTA which are served by trains of other operators (including London Underground). If another operator does not have a penalty fares scheme covering trains calling at that station, the scheme must say that passengers without tickets getting on or off that operator’s trains at that station will not be charged penalty fares, but will be dealt with in line with the current National Rail Conditions of Carriage.

- 5.20 If another train operator also has a penalty fares scheme which covers trains calling at that station, the description of the scheme must say whether authorised collectors will be allowed to collect penalty fares on behalf of the other operator and whether the authorised collectors of the other operator will be allowed to charge penalty fares under the scheme being proposed.
- 5.21 If another train company's authorised collectors will be allowed to collect penalty fares under the scheme being proposed, the description of the scheme must also set out the arrangements which will be made to train the other company's authorised collectors in the details of the scheme and to allow these authorised collectors to check that ticket facilities are available and warning notices are displayed at penalty fares stations.

**'the arrangements for processing and deciding appeals'**

- 5.22 The description of the scheme must explain the arrangements to be made for handling and deciding appeals in line with a code of practice which we have approved. At the time of writing this policy document, all penalty fares schemes use the Independent Penalty Fares Appeal Service (IPFAS) to deal with appeals. We have approved a code of practice which IPFAS follows when deciding appeals.
- 5.23 The description of the scheme must confirm that details of the scheme, including details of penalty fares trains and stations, ticket facilities and instructions given to authorised collectors, will be provided to IPFAS and updated when there are any changes.

**'... a copy of the written instructions and information which will be given to each authorised collector containing guidance and setting rules for their appearance, behaviour and use of discretion'**

- 5.24 Operators must send us a copy of the instructions which will be given to authorised collectors. The instructions must deal with each of the points made in paragraphs 4.25 to 4.32.

## **6 Changing, suspending or withdrawing a scheme**

### **Changing a scheme**

- 6.1 An operator may want to make changes to their scheme, for example, if it wants to alter the area covered by penalty fares trains or revise the instructions given to authorised collectors. A penalty fares scheme will also need to be changed if the circumstances described in the scheme alter, for example, if ticket facilities are to be reduced at any penalty fares station, or if a new train service to which penalty fares do not apply will start calling at a station with a compulsory ticket area. As with a new scheme, we recommend that the operator first discusses any changes with us, the relevant RPC and any PTE informally.
- 6.2 The procedure for changing an existing scheme is set out in rule 11 of the Penalty Fares Rules. The operator must send a summary of the changes, which should include a brief explanation of the reason for them, to us, the relevant RPC and any relevant PTE at least six weeks before the date on which the changes will be introduced. The summary must be accompanied by a revised and complete version of the description of the scheme which was originally sent to us for approval under rule 3. If this was sent to us in a loose-leaf ring binder, only replacement

pages for the relevant sections of the description need to be provided, but any new pages must be clearly marked with the page number and date of issue.

- 6.3 We will consider the changes and the revised description of the scheme against the policy set out in section 4 of this document. In particular, we will want to see that the changes receive enough publicity and that, if necessary, the operator will arrange for leaflets, notices and other publicity to be revised or reprinted to reflect the changes to the scheme. Any out-of-date leaflets or notices must be withdrawn. If any station stops being a penalty fares station as a result of the changes, the notices displayed under rule 4 must be removed immediately after the change takes effect.

### **Withdrawing a scheme**

- 6.4 The procedure for withdrawing a scheme is set out in rule 12. The operator does not need to give advance notice, but must tell us, the relevant RPC and any relevant PTE on or before the date on which they withdraw the scheme. If the operator wants to re-introduce the scheme later on, it must be treated as a new scheme, and the operator must follow the procedure set out in rule 3.
- 6.5 The withdrawal of a penalty fares scheme may affect the scheme or schemes run by other operators. If this is the case, the operator of the scheme that is to be withdrawn must tell the other operators in time for them to make any necessary changes to their own schemes.
- 6.6 If an operator wants to withdraw part of their scheme, for example, to reduce the number of penalty fares trains or penalty fares stations, this must be treated as changing the scheme and rule 11 will apply.

### **Suspending a scheme**

- 6.7 Sometimes, for various reasons, an operator may want to temporarily suspend their scheme. The Penalty Fares Rules do not force an operator to charge a penalty fare in any particular circumstances and if the operator simply intends to use extra discretion, or even stop charging penalty fares completely for a short period of time (for example, less than one month), no special arrangements may need to be made. However, if an operator stops charging penalty fares for a longer period of time, passengers may be led to believe that penalty fares are no longer charged. This may cause problems when the operator starts charging penalty fares again.
- 6.8 An operator who wants to suspend their scheme for longer than one month should discuss the proposal with us first. The operator must think carefully about publicity, especially for the time when they start charging penalty fares again. A pre-planned suspension should normally be treated as a change to a scheme under rule 11.

## **7 When the SRA may prevent an operator charging penalty fares**

- 7.1 Rule 13 of the Penalty Fares Rules allows us to stop an operator charging penalty fares if we have reason to believe that they are not following the rules, the regulations or their own penalty fares scheme. Operators must make sure that other operators (or other parts of their

own company) do not introduce changes which affect their penalty fares scheme. For example, if a scheme says that certain ticket facilities will be provided at a station, and ticket machines at that station are removed or ticket office opening hours reduced, an operator will no longer meet the requirements of their scheme.

7.2 Rule 13 also allows us to stop an operator charging penalty fares if we think that a scheme is being operated in a way which doesn't give passengers sufficient protection. There are a number of circumstances where this might be the case, even if the operator is following the rules, regulations and its own scheme. For example, if:

- authorised collectors are put under unnecessary pressure to meet revenue targets, so that they do not use their discretion in cases where the scheme says that they should;
- the ticket facilities listed in the scheme are regularly unavailable because of staff shortages or ticket-machine breakdowns; or
- the ticket facilities listed in the scheme are insufficient because of serious queuing problems.

7.3 Rule 13 allows us to stop operators charging penalty fares either completely or in connection with particular penalty fares trains or stations, depending on the circumstances. For example, if an operator does not sort out a serious queuing problem so that passengers do not have sufficient opportunity to buy a ticket, we might stop them charging penalty fares to passengers who join trains at that station.

7.4 Under rule 5.5, if we are not satisfied that a person is a fit and proper person to be an authorised collector, we may tell the operator to withdraw that person's authority to collect penalty fares. We expect operators to fully investigate any public complaint about an authorised collector, and to take any necessary action quickly. It is essential that a full record is kept of each part of the investigation, as we may ask to see these records or ask for further investigation to be carried out in connection with this rule.

## Appendix A: Penalty Fares Rules 2002

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## 1 The rules

- 1.1 The SRA has made these rules under regulation 11 of the Railways (Penalty Fares) Regulations 1994. The Railways (Penalty Fares) Regulations 1994 were made under section 130 of the Railways Act 1993, as amended by the Transport Act 2000.
- 1.2 These rules may be referred to as the 'Penalty Fares Rules 2002'.
- 1.3 These rules will apply from 1 May 2002.

## 2 Definitions

In these rules, the terms below have the following meanings, unless we tell you otherwise.

- a The 'Act' means the Railways Act 1993, as amended by the Transport Act 2000.
- b The 'Regulations' means the Railways (Penalty Fares) Regulations 1994 (S.I. 1994/576).
- c 'Approved penalty fares scheme' means a scheme for charging penalty fares which the SRA has approved under rule 3, including any changes to that scheme which the SRA has approved under rule 11.
- d 'Penalty fares train' means a train for which penalty fares may be charged, in line with an approved penalty fares scheme and with these rules, to passengers without a valid ticket who have boarded at a penalty fares station.
- e 'Penalty fares station' means a station where, if a person without a valid ticket boards a train which is a penalty fares train, he or she may have to pay a penalty fare in line with an approved penalty fares scheme and with these rules.
- f 'Authorised collector' means a person who is allowed to collect penalty fares on behalf of a train operator in line with rule 5.
- g 'Compulsory ticket area' means any area at a station identified by a notice which indicates that people may not enter that area without a ticket or other authority allowing them to enter that area, or to travel on a train arriving at or departing from that area.
- h 'Operator', in relation to any train or station, means the person who must hold a licence or licence exemption to operate that train or station under section 6 of the Act.
- i 'National Rail Conditions of Carriage' means the National Rail Conditions of Carriage approved by the Rail Regulator and which came into effect on 20 February 2000, as amended from time to time with the SRA's approval, or any other conditions of carriage which apply to the journey being made.
- j 'SRA penalty fares policy statement' means a statement of policy about penalty fares schemes which the SRA may publish from time to time.
- k Any reference to a person leaving a train includes a person who is present at, or who is leaving, a station after they have left a train arriving at that station.
- l Any reference to a person leaving a train includes a person who is present in, or who is

leaving, a compulsory ticket area after leaving a train which arrived at that compulsory ticket area.

- m Any reference to a ‘passenger’ includes anyone who is in a compulsory ticket area, whether or not they have travelled, or intend to travel, on a train.
- n If a ticket or other authority is only valid for travel when it is used with another document (such as a photocard or railcard), a reference to a ticket includes this document.
- o For the purposes of rules 7.2 and 7.3, if a person has changed onto the relevant train from a previous train which was also a penalty fares train under the same approved penalty fares scheme, a reference to the station where the person got on the train means the station where that person got on the first train.
- p Unless we tell you otherwise, words and expressions defined in the Act or in the Regulations have the same meanings in these rules.
- q Headings are for convenience only and are not part of the rules.

### **3 Setting up a penalty fares scheme**

- 3.1 Operators may only charge penalty fares in line with an approved penalty fares scheme.
- 3.2 Any train operator who wants to introduce a penalty fares scheme must do the following.
  - a Send a notice, at least three months before the date on which it is proposed to begin charging penalty fares, to:
    - i the SRA;
    - ii the Rail Passengers Committee for any area in which the proposed scheme will apply; and
    - iii the relevant Passenger Transport Executive, if an operator wants a train service which is sponsored by a Passenger Transport Executive, or which passes through an area covered by a Passenger Transport Executive, to become a penalty fares train.

The notice must explain the reasons for wanting to introduce a penalty fares scheme, and must give the date on which the operator proposes to start charging penalty fares.

- b Send a description of the proposed scheme with the notice which sets out:
  - i the train services which will become penalty fares trains for the purposes of the scheme;
  - ii the stations which will become penalty fares stations for the purposes of the scheme;
  - iii the stations where there will be compulsory ticket areas, and the location and extent of these areas;
  - iv the ticket selling facilities available at each penalty fares station;
  - v the arrangements for publicising the penalty fares scheme and for displaying warning notices in line with rule 4;

- vi the procedures for selecting, training, briefing and refresher training the people who are to be appointed as authorised collectors;
  - vii the systems and procedures to allow authorised collectors to check that ticket selling facilities are available and that warning notices are correctly displayed at each penalty fares station for the purpose of rule 7;
  - viii the arrangements for selling tickets on board penalty fares trains;
  - ix any arrangements which will apply between the operator and any other operator relating to:
    - collecting penalty fares at stations which are served by more than one operator; and
    - charging penalty fares in connection with a compulsory ticket area at a station which is served by trains of more than one operator; and
  - x the arrangements for processing and deciding appeals.
- c Send with the description of the scheme a copy of the written instructions and information which will be given to each authorised collector, containing guidance and setting rules about their appearance, behaviour and how to use discretion.
- 3.3 The SRA will consider the proposed scheme, taking account of all relevant matters including the policy set out in the SRA penalty fares policy statement. The SRA may, after consulting any Rail Passengers Committee and Passenger Transport Executive referred to in rule 3.2, approve or reject the proposed scheme, giving notice to the operator in writing. The SRA will send a copy of this notice to everyone who received a copy of the notice referred to in rule 3.2.
- 3.4 If the SRA approves the proposed scheme, the operator must arrange for notices to be displayed in clearly visible positions at each station which is to become a penalty fares station, advising passengers that a penalty fares scheme is to be introduced. These notices must be displayed for at least three weeks before the scheme is introduced, and must be in line with rule 4.3.
- 3.5 If an operator proposes to give, or has given, notice that they want to introduce a penalty fares scheme, the SRA may shorten the notice period required by rule 3.2, as long as each relevant Rail Passengers Committee and Passenger Transport Executive agrees.

## **4 Displaying warning notices**

- 4.1 An operator who wants to charge penalty fares must make sure that warning notices are displayed at every penalty fares station. These warning notices must be in line with rule 4.3, and must be displayed so that at least one notice can be clearly seen by any passenger joining any penalty fares train or changing onto a penalty fares train from any other train.
- 4.2 An operator who wants to charge penalty fares must make sure that a warning notice is displayed at each entrance of each compulsory ticket area. These warning notices must be in line with rule 4.3.

- 4.3 Warning notices must:
- i be noticeable, easy to read and easy to distinguish from other notices and from the general surroundings;
  - ii explain clearly when a penalty fare may be charged;
  - iii give the amount or maximum amount of any penalty fare;
  - iv meet any requirement contained in the operator's approved penalty fares scheme; and
  - v follow a code of practice approved by the SRA for the purposes of this rule.
- 4.4 If asked to do so by a train operator, a station operator must provide facilities to display warning notices so that the train operator can obey rule 4. The train operator must pay the costs involved.

## **5 People who may charge penalty fares**

- 5.1 In line with the Act, the Regulations and these rules, penalty fares may be charged by, or on behalf of, the operator of any train.
- 5.2 No-one except an authorised collector may collect penalty fares on behalf of any operator.
- 5.3 A person will only be an authorised collector for any penalty fares train if he or she has been individually authorised by, or on behalf of, the operator of that train to collect penalty fares in line with an approved penalty fares scheme and this authorisation is still valid.
- 5.4 Each authorised collector must carry, and produce if asked, identification which proves that he or she is authorised to collect penalty fares on behalf of a specific operator or operators. This identification must be in line with a code of practice approved by the SRA for the purposes of this rule. Authorised collectors must allow passengers to make a note of the relevant details of their identification and authority.
- 5.5 If, at any time, the SRA is not satisfied that a person is a fit and proper person to be an authorised collector, the SRA may send a notice to the relevant operator requiring them to withdraw that person's authority to collect penalty fares.

## **6 People who may be charged a penalty fare**

- 6.1 Any person travelling by, present on or leaving a penalty fares train must, if asked by an authorised collector, produce a valid ticket or other authority for the journey they have made or are making.
- 6.2 If a person fails to produce a valid ticket or other authority in line with rule 6.1, the authorised collector may charge that person a penalty fare, in line with the Regulations and these rules.
- 6.3 Any person who is present in a compulsory ticket area intending to board a train must, if asked by an authorised collector, produce a valid ticket or other authority for the journey which they intend to make on that train.

- 6.4 Any person who is present in, or leaving, a compulsory ticket area, other than a person referred to in rule 6.1 or 6.3, must, if asked by an authorised collector, produce a valid ticket or other authority allowing them to be present in that compulsory ticket area.
- 6.5 If a person fails to produce a valid ticket or other authority in line with rule 6.3 or 6.4, the authorised collector may charge that person a penalty fare, in line with the Regulations and these rules.
- 6.6 The amount of any penalty fare must be as set out in the Regulations.
- 6.7 For the purposes of rule 6.2, a ticket or other authority is not valid for a journey if it is not valid for the class of travel used on that journey.

## **7 Circumstances in which a penalty fare may not be charged**

- 7.1 Operators may only charge penalty fares to people who are:
  - a travelling by, present on or leaving a train which is named as a penalty fares train by an approved penalty fares scheme; or
  - b present in, or leaving, a compulsory ticket area which is named as part of an approved penalty fares scheme.
- 7.2 An authorised collector must not charge a penalty fare under rule 6.2 if the person joined the train at a station which is not named as a penalty fares station by the relevant approved penalty fares scheme.
- 7.3 An authorised collector must not charge a penalty fare under rule 6.2 if any of the following circumstances applied at the station where the person joined the relevant train.
  - a There were no facilities available to issue the appropriate ticket or other authority for the journey which that person wanted to make.
  - b Warning notices were not displayed in line with rule 4.
  - c A notice was displayed which indicated that passengers were allowed to board that train without a ticket or other authority to travel.
  - d A person acting, or appearing to act, on behalf of the operator of that train or station indicated that the person was, or people generally were, allowed to board that train without a ticket or other authority to travel.
- 7.4 An authorised collector must not charge a penalty fare under rule 6.5 if, when the person entered the compulsory ticket area:
  - a there were no facilities available for selling the appropriate ticket or other authority for the journey the person wanted to make or for entering the compulsory ticket area;
  - b warning notices were not displayed at the entrances to the compulsory ticket area in line with rule 4;
  - c a notice was displayed which indicated that people were allowed to board the relevant train or enter the compulsory ticket area without a ticket or other authority to do so; or

- d a person acting, or appearing to act, on behalf of the operator of the relevant train or of that station indicated that the person was, or people generally were, allowed to board that train or enter the compulsory ticket area without a ticket or other authority to do so.
- 7.5 An authorised collector must not charge a penalty fare to a person travelling in a class of accommodation for which their ticket is not valid if:
- a a notice was displayed which indicated that people with standard class tickets were allowed to travel in that accommodation without further charge or if they paid a specified charge; or
  - b a person acting, or appearing to act, on behalf of the operator of the relevant train indicated that people with standard class tickets were allowed to travel in that accommodation without further charge.
- 7.6 An authorised collector must not charge a penalty fare to a person whose ticket is not valid only because of a published restriction, as described in condition 12 of the National Rail Conditions of Carriage.
- 7.7 Except when he or she is applying rule 6.7, an authorised collector must not charge a penalty fare if this would conflict with the rights given to the person by the National Rail Conditions of Carriage.

## **8 Arrangements for charging and paying penalty fares**

- 8.1 If a person is to be charged a penalty fare, the authorised collector must tell them:
- a that they are to be charged a penalty fare;
  - b why they are being charged a penalty fare;
  - c the amount of the penalty fare; and
  - d that they have the right to appeal against the penalty fare within 21 days.
- 8.2 The authorised collector may require that person to make a minimum payment that is equal to the full single fare which they would have had to pay for their journey if penalty fares had not applied. The person must be given 21 days to pay the rest of the penalty fare, starting on the day that penalty fare is charged. If the penalty fare is not paid in full immediately, it must be paid in any way that is set out in the notice referred to in rule 8.3.
- 8.3 If a person wants to appeal against the penalty fare, or does not pay the penalty fare in full immediately, the authorised collector must give them a written notice setting out:
- a the identity of the authorised collector and the name of the train operator that he or she is acting for;
  - b the amount of the penalty fare and why it has been charged;
  - c the address to which they must send payment;
  - d the ways in which they can pay;

- e that they must pay within 21 days of receiving the notice;
  - f that they can ask for a copy of these rules and a summary of the operator's approved penalty fares scheme by writing or sending an e-mail to a given address or calling a given phone number; and
  - g that they are entitled to appeal against the penalty fare by sending a written statement to a given address, within 21 days of the day on which the penalty fare is charged, explaining why they should not have to pay the penalty fare.
- 8.4 If a person pays all or part of a penalty fare, the authorised collector must give them a receipt for the payment. The receipt must set out each of the matters listed in rule 8.3.
- 8.5 A receipt given under rule 8.4 or a notice given under rule 8.3 must allow the person to whom it is given to continue the train journey to which it relates to the next scheduled stop or to any other stop shown on that receipt or notice. If the person wants to travel beyond this stop, they must pay the relevant fare from this stop to their destination station as well as the penalty fare. If the receipt or notice is given in connection with a compulsory ticket area, it must allow the person to leave the compulsory ticket area.
- 8.6 If asked by a person who has been charged a penalty fare, an operator must send that person a complete and up-to-date copy of these rules and an appropriate summary of their approved penalty fares scheme.
- 8.7 In line with the Regulations, any operator who collects penalty fares, or on whose behalf penalty fares are collected, may keep the amounts that are collected.

## **9 Appeals**

Every approved penalty fares scheme must include a procedure for passengers to appeal against a penalty fare. Appeals must be processed and decided in line with a code of practice approved by the SRA.

## **10 Providing information**

- 10.1 If asked by the operator of an approved penalty fares scheme, a train or station operator must promptly supply any information available to him or her which is necessary for penalty fares to be charged fairly, efficiently and in line with the Regulations and these rules.
- 10.2 The information which may be asked for under rule 10.1 includes (but is not limited to) information about the ticket facilities that are available at stations, whether warning notices are correctly displayed at stations, and any other information needed to check the facts if a person who has been charged a penalty fare makes an appeal.
- 10.3 A train or station operator must promptly supply any information or explanations that the SRA asks for in connection with charging or a proposal to charge penalty fares. This includes any information needed by the SRA to investigate complaints or to confirm that an operator is following the Regulations and these rules. It also includes any information needed to decide whether to prevent the charging of penalty fares under rule 13, or to exercise the SRA's powers

under rule 5.5. If the SRA asks a Rail Passengers Committee to help it carry out any investigation connected with penalty fares, the operator must reply to any request for information made by the Rail Passengers Committee as if it was made by the SRA.

- 10.4 Any train or station operator (whether or not it charges penalty fares) must promptly meet any requirements placed on him or her by the SRA about displaying warning notices, providing ticket facilities or supplying information, if the SRA considers that this is necessary to allow any other operator to charge penalty fares fairly and effectively. The SRA may set these requirements on the condition that the operator who will benefit must pay the reasonable costs of carrying them out.

## **11 Changing a penalty fares scheme**

- 11.1 If the operator of an approved penalty fares scheme wants to make any changes to that scheme, he or she must apply to the SRA for permission at least six weeks before the proposed date of the change. At the same time, the operator must give the SRA, any Rail Passengers Committee and Passenger Transport Executive referred to in rule 3.2 a summary of the proposed changes and a revised description of the scheme in line with rule 3.2(b).
- 11.2 The SRA will consider the changes, taking account of all relevant matters including the policy set out in the SRA penalty fares policy statement. The SRA may, after consulting any Rail Passengers Committee and Passenger Transport Executive referred to in rule 3.2, approve or reject the changed scheme by giving the train operator notice, in writing. The SRA will send a copy of the notice to everyone who received the notice referred to in rule 3.2.
- 11.3 If any station stops being a penalty fares station as a result of changes approved under rule 11.2, the operator must make sure that the warning notices provided under rule 4 are removed promptly.
- 11.4 The operator must make sure that any notices, leaflets or other publicity referring to the scheme are promptly amended or replaced to reflect any changes approved under rule 11.2.
- 11.5 If an operator asks permission to change their penalty fares scheme, the SRA may shorten the notice period required by rule 11.1, as long as each relevant Rail Passengers Committee and Passenger Transport Executive agrees.

## **12 Withdrawing a penalty fares scheme**

- 12.1 If the operator of an approved penalty fares scheme wants to withdraw the scheme he or she must give notice, in writing, to:
- a the SRA;
  - b any Rail Passengers Committee and Passenger Transport Executive referred to in rule 3.2; and
  - c any other operator whose penalty fares scheme may be affected by the withdrawal.



Notice must be given to the SRA, any relevant Rail Passengers Committee and Passenger Transport Executive no later than the date of withdrawal. Other operators must be given enough notice for them to make any necessary changes to their own penalty fares schemes.

- 12.2 The operator must make sure that the warning notices provided under rule 4 are removed as soon as possible after a penalty fares scheme is withdrawn.
- 12.3 If an operator wants to start charging penalty fares again after withdrawing an approved penalty fares scheme under rule 12.1, he or she must follow the process set out in rule 3.
- 12.4 If the operator of an approved penalty fares scheme wants to withdraw part, but not all, of a scheme, they must follow the process set out in rule 11.

### **13 When the SRA may prevent an operator charging penalty fares**

- 13.1 The SRA may issue a prohibition notice preventing an operator from charging penalty fares if it has reasonable grounds for suspecting that the operator is not following any part of the Regulations, these rules or their own approved penalty fares scheme, or is operating their scheme in a way which the SRA reasonably considers does not provide sufficient protection for passengers.
- 13.2 The prohibition notice may prevent an operator from charging penalty fares either completely or in connection with specific penalty fares stations, penalty fares trains or compulsory ticket areas. When a prohibition notice is received, the operator must immediately stop charging penalty fares as set out in the notice, until such time as the SRA withdraws the notice.
- 13.3 The SRA will send a copy of any prohibition notice to:
  - a the Secretary of State;
  - b the Rail Passengers Committee for any area in which the operator runs passenger train services; and
  - c the Passenger Transport Executive for any area in which the operator runs passenger train services.

### **14 Commencement and transitional arrangements**

- 14.1 These rules will apply from 1 May 2002 and, except as allowed under rule 14.2, they replace the rules made on 28 April 1997 (the ‘former rules’) which will no longer apply from that date.
- 14.2 Any train operator charging penalty fares under the former rules immediately before these rules come into effect may continue to charge penalty fares to the same extent as they were able to do under the former rules without first following rule 3.2 as long as:
  - a within three months of these rules coming into effect, the operator follows the process set out in rule 3.2; and
  - b the SRA approves the train operator’s penalty fares scheme under rule 3.3 no later than six months after it receives the documents referred to in paragraph (a) above.

- 14.3 The SRA may, as a condition of any approval under rule 14.2(b), require the operator to make suitable arrangements to publicise any changes to their scheme.
- 14.4 The code of practice referred to in rules 4.3 and 5.4 must be submitted and approved by the SRA no later than 1 August 2002, or any other date that may be agreed between the SRA and the operators concerned.

## Appendix B\*: The Railways (Penalty Fares) Regulations 1994

### STATUTORY INSTRUMENTS

#### 1994 No. 576

#### TRANSPORT

The Railways (Penalty Fares) Regulations 1994	
Made	7th March 1994
Laid before Parliament	8th March 1994
Coming into force	1st April 1994

The Secretary of State, in exercise of the powers conferred on him by sections 130, 143(3) and 143(4) of the Railways Act 1993, hereby makes the following Regulations:

#### Citation and commencement

1. (1) These Regulations may be cited as the Railways (Penalty Fares) Regulations 1994.
- (2) These Regulations shall come into force on 1st April 1994.

#### Interpretation

2. (1) In these Regulations:

“authorised collector” means a person authorised to be a collector by or under rules;

“compulsory ticket area” means any area at a station identified by a notice which indicates that persons may not enter that area without being able to produce a ticket or other authority authorising travel on a train arriving at or departing from that area or otherwise authorising entry into that area;

“operator”, in relation to any train, means the person having the management of that train for the time being and, in relation to any station, means the person having the management of that station for the time being, and “operated” shall be construed accordingly;

“preceding train” means a train:

- (a) by which a person travelled before changing to the train by which he is travelling, on which he is present or which he is leaving for the purposes of these Regulations; and
- (b) which was operated by the operator of the train to which that person changed;

“rules” means rules made by the Regulator under regulation 11;

“section 130” means section 130 of the Railways Act 1993.

\* Plain English Campaign’s Crystal Mark does not apply to this appendix

- (2) In these Regulations any reference to a person leaving a train includes a person present in or leaving a compulsory ticket area having left a train arriving at that compulsory ticket area.
- (3) Where the terms on which a ticket or other authority is issued require the holder to produce on request any other document when using that ticket or other authority, any reference in these Regulations to a ticket or other authority includes such a document.
- (4) In these Regulations, where the context so admits, any reference to a ticket or other authority includes a ticket or other authority valid for the class of travel used or being used by the holder of that ticket or other authority.
- (5) In these Regulations, any reference to a numbered regulation shall mean the regulation bearing that number in these Regulations and any reference in a regulation to a numbered paragraph is a reference to the paragraph bearing that number in that regulation.

#### **Requirement to produce a ticket**

3. (1) Subject to the provisions of these Regulations and to rules, any person present travelling by, present on or leaving a train shall, if required to do so by or on behalf of the operator of that train in accordance with these Regulations and with rules, produce a ticket or other authority authorising his travelling by or his being present on that train, as the case may be.
- (2) Subject to the provisions of these Regulations and to rules, any person present in or leaving a compulsory ticket area, other than a person leaving a train, shall, if required to do so by or on behalf of the operator of a train in accordance with these Regulations and with rules, produce a ticket or other authority authorising him to be present in or leave that compulsory ticket area.
- (3) Any requirement imposed pursuant to this regulation shall be imposed by an authorised collector in the manner specified in rules.

#### **Charge to a penalty fare**

4. (1) Subject to the provisions of these Regulations and to rules, where a person fails to produce a ticket or other authority when required to do so by or on behalf of an operator pursuant to regulation 3, that operator, or any person acting on behalf of that operator, may charge that person a penalty fare.
- (2) Nothing in these Regulations or in rules shall authorise the operator of a train or a person acting on behalf of him to charge a penalty fare in respect of:
  - (a) travel by, presence on or leaving a train other than a train operated by that operator; or
  - (b) presence in or leaving a compulsory ticket area unless it is a compulsory ticket area at which a train operated by that operator has arrived or from which such a train will depart.
- (3) Any charge made pursuant to this regulation shall be imposed by an authorised collector in the manner specified in rules.
- (4) The amount of any penalty fare charged in accordance with these Regulations shall be paid in the manner and within the period specified in rules.

### **Amount of a penalty fare**

5. (1) Subject to paragraph (5), the amount of any penalty fare which may be charged under regulation 4 is £10.00 or twice the amount of the full single fare applicable in the case, whichever is the greater.
- (2) The full single fare applicable in the case of a person charged a penalty fare while travelling by, being present on or leaving a train, having travelled on or having been present on a preceding train, is the full single fare in respect of a journey from the station (in this regulation referred to as “the first boarding station”), at which that person boarded the preceding train, to the next station at which the train by which he is travelling or on which he is present is scheduled to stop, or, where that person is leaving the train at a station, that station.
- (3) The full single fare applicable in the case of a person, other than a person referred to in paragraph (2), charged a penalty fare while travelling by, being present on or leaving a train is the full single fare in respect of a journey from the station (in this regulation referred to as “the boarding station”), at which that person boarded the train, to the next station at which the train by which he is travelling or on which he is present is scheduled to stop, or, where that person is leaving the train at a station, that station.
- (4) Where the first boarding station or, as the case may be, the boarding station is not known to the authorised collector, the full single fare applicable in the case of a person charged a penalty fare while travelling by, being present on or leaving a train is the full single fare in respect of a journey from the station at which the train last made a scheduled stop, to the next station at which the train by which he is travelling or on which he is present is scheduled to stop, or, where that person is leaving the train at a station, that station.
- (5) The amount of any penalty fare which may be charged under regulation 4 to a person present in or leaving a compulsory ticket area, other than a person leaving a train, is £10.00.

### **Circumstances in which a penalty fare is not to be charged where a person is travelling on a train**

6. (1) Subject to the provisions of paragraph (3), in the case of a person travelling by, being present on or leaving a train (in this regulation referred to as “the relevant train”), no person shall be charged a penalty fare in the circumstances to which this regulation applies.
- (2) The circumstances to which this regulation applies are that, at the time when and at the station where the person in question boarded the relevant train, or, in the case where a person has boarded the relevant train after travelling on a preceding train, that, at the time when and at the station where the person in question boarded that preceding train,
  - (a) there were no facilities in operation for the sale of the appropriate ticket or other authority to make the journey being or having been made by that person;
  - (b) the requirements of rules in respect of the display of notices were not satisfied;
  - (c) a notice was displayed indicating that the person in question was, or persons generally were, permitted to travel by or be present on the relevant train or, as the case may be, the preceding train without having a ticket or other authority; or

(d) a person acting or purporting to act on behalf of:

- (i) the operator of the relevant train, or
- (ii) the operator of the station in question,

indicated that the person in question was, or persons generally were, permitted to travel by or be present on the relevant train or, as the case may be, any preceding train without having a ticket or other authority.

(3) Paragraphs (1) and (2) of this regulation shall not prevent a person from being charged a penalty fare where he had been invited by anybody acting on behalf of the operator of the relevant train or any preceding train to obtain a ticket or other authority while travelling on or present on the relevant train or that preceding train.

### **Circumstances in which a penalty fare is not to be charged where a person is in a compulsory ticket area**

7. (1) No person present in or leaving a compulsory ticket area, but who is not leaving a train, shall be charged a penalty fare in the circumstances to which this regulation applies.

(2) The circumstances to which this regulation applies are that:

- (a) there were no facilities in operation at the station (in this regulation referred to as “the relevant station”) of which the compulsory ticket area formed part for the sale of the appropriate ticket or other authority to be present in that compulsory ticket area;
- (b) the requirements of rules with respect to the display of notices were not satisfied in relation to that compulsory ticket area;
- (c) a notice was displayed at the relevant station indicating that the person in question was, or persons generally were, permitted to be present in that compulsory ticket area without having a ticket or other authority; or
- (d) a person acting or purporting to act on behalf of:
  - (i) the operator of any train departing from that compulsory ticket area, or
  - (ii) the operator of the relevant station

indicated that the person in question was, or persons in general were, permitted to be present in that compulsory ticket area without having a ticket or other authority.

### **Recovery of a penalty fare as a civil debt**

8. The amount of any penalty fare charged in accordance with these Regulations and rules and not paid within the period specified in rules in accordance with regulation 4(4) may be recovered from the person charged as a civil debt.

### **Relevant statement**

9. (1) Where a person charged a penalty fare has in due time provided the operator by or on whose behalf the penalty fare was charged with a relevant statement, in any proceedings

for the recovery of that penalty fare, it shall be for that operator to show that any of the facts described in the relevant statement is not true.

- (2) A relevant statement is a statement in writing informing the operator in question:
- (a) in the case of a person charged a penalty fare in circumstances where he was travelling by, present on or leaving a train:
    - (i) of the train and of any preceding train by which he was travelling or had travelled or on which he was present or had been present;
    - (ii) of the station and the time at which he boarded that train and any preceding train and, other than in the case of his leaving a train at a station, the station at which he intended to leave that train;
    - (iii) whether any of the circumstances described in regulation 6(2) arose in relation to the station at which he boarded the train and any preceding train, and, if so, which;
  - (b) in the case of a person charged a penalty fare in circumstances where he was present in or leaving a compulsory ticket area but was not leaving a train:
    - (i) whether he was proposing to travel by train, and if so, by which train and to which station, and if not so proposing to travel, the reason for his presence in the compulsory ticket area;
    - (ii) whether any of the circumstances described in regulation 7(2) arose in relation to the station of which the compulsory ticket area formed part and, if so, which.
- (3) For the purpose of paragraph (1) a relevant statement is provided in due time if it is provided at any time within the period of 21 days commencing with the day on which the person was charged a penalty fare.

### **Exclusion of double liability**

10. (1) Where a person has been charged a penalty fare in respect of his failure to produce a ticket or other authority when required to do so pursuant to regulation 3, and, arising from that failure, proceedings are brought against that person in respect of any of the offences specified in paragraph (2), that person shall cease to be liable to pay the penalty fare which he has been charged, and, if he has paid it, the operator by or on whose behalf the penalty fare was charged shall be liable to repay to him an amount equal to the amount of that penalty fare.
- (2) The offences mentioned in paragraph (1) are an offence under section 5(3)(a) or (b) of the Regulation of Railways Act 1889, or an offence under any byelaw made under section 67 of the Transport Act 1962 or section 129 of the Railways Act 1993 in respect of:
- (a) his travelling by, or his presence on, a train without having previously paid his fare, or, having paid his fare for a certain distance, his travelling beyond that distance without previously paying the additional fare for the additional distance;
  - (b) his travelling by, or his presence on, a train without a ticket or other authority entitling him to travel by or be present on a train;

- (c) his presence in part of a station without a ticket or other authority authorising him to be present there.

### **Power for the Regulator to make rules**

11. (1) Subject to the provisions of these Regulations, the Regulator may make rules to make provision for and in connection with:
  - (a) the imposition of requirements on persons travelling by, being present on or leaving trains or being present in or leaving compulsory ticket areas to produce a ticket or other authority authorising them to travel by, or be present on or leave the train in question or to be present in or leave the compulsory ticket area in question; and
  - (b) the charging of persons in breach of such requirements to penalty fares;
 and, subject to paragraph (2), with respect to any of the matters referred to in subsections (2) and (4) of section 130.
- (2) Nothing in these Regulations shall confer on the Regulator power to make rules to make provision for or with respect to any matter specified in paragraph (d), (l) and (o) of subsection (2), or subsection (7), of section 130.
- (3) Rules made pursuant to this regulation shall have effect as if they were regulations.

### **Requirement for a person to give his name and address**

12. (1) A person charged a penalty fare pursuant to regulation 4 shall give his name and address to the authorised collector when so required.
- (2) Any person who fails to give his name and address in accordance with paragraph (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Signed by authority of the Secretary of State for Transport

*Roger Freeman*  
 Minister of State,  
 Department of Transport  
 7th March 1994

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Important note: As a result of the Transport Act 2000, the Strategic Rail Authority, rather than the Rail Regulator, now has responsibility for making penalty fares rules. Any reference in these regulations to the Regulator should be taken to refer to the Strategic Rail Authority.



## **Appendix C\*: Wording of Section 130 of the Railways Act 1993 (as amended by the Transport Act 2000)**

130. (1) The Secretary of State may by regulations make provision for and in connection with:-

- (a) the imposition of requirements on persons travelling by, present on, or leaving trains or stations to produce, if required to do so by or in accordance with the regulations, a ticket or other authority authorising them to travel by, be present on, or leave the train or station in question; and
- (b) the charging of persons in breach of such requirements to financial penalties (in this section referred to as “penalty fares”) in such circumstances, and subject to compliance with such conditions (if any), as may be prescribed;

and in this section any reference to a ticket or other authority of any description includes a reference to any other document which, under the regulations is required to be produced in conjunction with any such ticket or other authority, for the purpose of demonstrating that the ticket or other authority produced by a person is valid in his case.

(2) Regulations may make provision for or with respect to:-

- (a) the persons who may be charged penalty fares;
- (b) the persons by or on behalf of whom penalty fares may be charged;
- (c) the trains and stations by reference to which penalty fares may be charged;
- (d) the amount, or the greatest amount, which a person may be charged by way of penalty fare, whether a specified amount or one determined in a prescribed manner;
- (e) the authorising of persons to be collectors;
- (f) the manner in which charges to penalty fares may be imposed by collectors, including any requirements to be complied with by or in relation to collectors;
- (g) the authorising of collectors in prescribed circumstances to require persons on trains or stations to furnish prescribed information;
- (h) the display of prescribed notices in places of a prescribed description;
- (j) the manner in which, and the period within which, any penalty fare charged to a person is to be paid;
- (k) the issue of prescribed documents to persons who are charged, or who have paid, penalty fares;
- (l) the recovery of any unpaid penalty fare as a civil debt, including provision:-
  - (i) for or with respect to defences that are to be available in proceedings for the recovery of an unpaid penalty fare; or
  - (ii) for presumptions of fact to operate, in such proceedings, in favour of the person

\*Plain English Campaign’s Crystal Mark does not apply to this appendix

charged with the penalty fare, but subject to compliance with prescribed procedural requirements;

- (m) the retention, by persons by or on behalf of whom charges to penalty fares are imposed, of sums paid by way of penalty fare;
  - (n) the remission of liability to pay penalty fares and the repayment of sums paid by way of penalty fare;
  - (o) the prevention of a person's being liable both to payment of a penalty fare and to prosecution for a prescribed offence;
  - (p) the imposition of prohibitions on the charging of penalty fares by or on behalf of persons who are suspected by the Secretary of State or the Authority, on reasonable grounds, of failing to comply with such requirements imposed by or under the regulations as may be prescribed.
- (3) The documents mentioned in subsection (2)(k) above include any document which consists of or includes:-
- (a) notice of the imposition of a charge to a penalty fare;
  - (b) a receipt for the payment of a penalty fare; or
  - (c) a ticket or other authority to travel by, be present on, or leave a train or station.
- (4) Regulations may impose, or make provision for and in connection with the imposition or enforcement of, prescribed requirements in prescribed circumstances on or against a holder of a passenger licence or station licence or a passenger service operator (whether or not one by or on behalf of whom penalty fares are to be charged); and, without prejudice to the generality of the foregoing, any such regulations may make provision with respect to:-
- (a) the display of notices relating to penalty fares;
  - (b) the provision of facilities for the issue of tickets or other authorities to travel by, be present on, or leave trains or stations;
  - (c) the provision of information to prescribed persons or persons of a prescribed class or description.
- (5) The functions which may be conferred on the Authority by regulations include:-
- (a) functions which involve the exercise by him of judgement or a discretion; and
  - (b) functions which empower him in prescribed circumstances to impose such conditions or requirements as he may think fit on prescribed persons or on persons of a prescribed class or description.
- (6) Regulations may confer power on the Authority to make by rules any provision which could be made by the Secretary of State by regulations, other than provision for or with respect to any matter specified in:-

(a) paragraph (d), (l) or (o) of subsection (2) above; or

(b) subsection (7) below;

and any such rules shall have effect, to such extent as may be prescribed, as if they were regulations.

(7) Regulations may provide that where information is required to be furnished pursuant to the regulations:-

(a) a refusal to furnish any such information, or

(b) the furnishing of information which is false in a material particular,

shall, in prescribed circumstances, be an offence punishable on summary conviction by a fine not exceeding level 2 on the standard scale.

(8) Apart from subsection (7) above, nothing in this section creates, or authorises the creation of, any offence.

(9) Regulations may make provision for any area within Great Britain and may make different provision for or in relation to different areas.

(10) Any power of the Authority to make rules under or by virtue of this section includes power to revoke, amend or re-enact any rules so made; and:-

(a) any such rules may make different provision for different cases; and

(b) without prejudice to paragraph (a) above, subsection (9) above shall apply in relation to any such rules as it applies in relation to regulations.

(11) Subsections (2) to (5) above are without prejudice to the generality of subsection (1) above.

(12) In this section:-

“collectors” means the individuals who perform the function (whether as servants or agents or otherwise) of imposing the charge of a penalty fare on the person liable to pay it under the regulations in each particular case;

“document”, without prejudice to the generality of the expression, includes any badge, token, or photograph or any other form of identification, certification or authentication;

“prescribed” means specified in, or determined in accordance with, regulations;

“regulations” means regulations under subsection (1) above;

“station” includes a reference to a part of a station;

“ticket or other authority” shall be construed in accordance with subsection (1) above;

“train” includes a reference to part of a train;

and, subject to that, expressions used in Part I above and in this section have the same meaning in this section as they have in that Part.

## Appendix D: Penalty fares scheme template

We recommend that train operators use this template for their penalty fares scheme. You should change the wording as necessary, and should add more information if it is relevant. You should delete anything marked with a ‘\*’ if it does not apply to your scheme. We cannot guarantee that we will approve a scheme if you use this template, or that we will not need any more information, as we will assess each scheme individually in line with the policy set out in our policy document. Please make sure that each page of your scheme is numbered and shows your company name and the date of issue. We can provide an electronic version of this template (in Microsoft ‘Word’) if this would help.

### Penalty fares scheme – [Name of operator]

#### 1 Introduction

- 1.1 We, [name of operator], give notice, under rule 3.2 of the SRA’s Penalty Fares Rules 2002, that we want to introduce a penalty fares scheme with effect from [proposed date of introduction]. This document describes our penalty fares scheme for the purposes of rule 3.2 b.
- 1.2 We have decided to introduce a penalty fares scheme in this area because  
[paragraphs explaining the reasons for introducing a penalty fares scheme, the expected benefits, the difficulties of using other methods of revenue protection, and so on]
- 1.3 We have prepared this scheme taking account of the following documents.
  - The Railways (Penalty Fares) Regulations 1994.
  - The Penalty Fares Rules 2002.
  - Strategic Rail Authority Penalty Fares Policy 2002.
- 1.4 In line with rule 3.2, we have sent copies of this scheme to:
  - The Strategic Rail Authority;
  - [list of relevant PTEs]; and
  - [list of relevant RPCs]

#### 2 Penalty fares trains

- 2.1 For the purposes of this scheme, all the trains that we operate \*on the following routes / \*within the area bounded by the following stations will be penalty fares trains.

[List of boundary stations or routes]

A map showing the routes on which the penalty fares trains run is attached as appendix A.

### 3 Penalty fares stations

3.1 For the purposes of this scheme, the following stations will be penalty fares stations.

[List of penalty fares stations]

A map showing where these penalty fares stations are is attached as appendix A.

3.2 These stations include all of the stations served by penalty fares trains, \*except for the following.

[List of stations that are served by penalty fares trains, but which will not become penalty fares stations.] [Reason why in each case.]

### 4 Compulsory ticket areas (CTAs)

4.1 \*The scheme will not create any compulsory ticket areas. / \*The scheme will create the following compulsory ticket areas, which will be clearly marked.

Station	Part of station covered by CTA	Reason for CTA
[Name of station]	[For example, 'all platforms and footbridge']	[For example, 'this is a major station where all passengers must have a ticket to enter the platforms to make a barrier check practical' or 'ticket gates installed']

\*All the operators serving these stations have a penalty fares scheme.

4.2 \*At each station where there is a CTA, platform tickets will be sold by the ticket office for a small fee to people who want to enter the CTA but who do not want to travel. This will include people who are seeing passengers off, helping passengers or meeting passengers. People who are helping passengers with disabilities will not be charged to enter the CTA. \*The ticket office is open at all times when trains are running./ \*Ticket machines will sell platform tickets at times when the ticket office is closed./ \*Platform tickets will not be needed to enter the CTA when the ticket office is closed, and the warning signs will say this.

### 5 Ticket facilities

5.1 The ticket facilities provided at each penalty fares station are set out in appendix B. A second way of buying tickets is provided in the form of a 'permit to travel' machine or ticket machine at each staffed station \*except:

[Names of stations]

This is because

[reason and details of alternative arrangements].

- 5.2 The ticket facilities at each penalty fares station are sufficient to meet the Ticketing and Settlement Agreement and Passenger’s Charter queuing standards under normal circumstances at all times of day, \*except for:

[Names of stations]

We will do the following \*to sort out this problem / \*to make sure that passengers are not charged penalty fares when the queuing standards are not met.

[Description of action to be taken.]

- 5.3 At staffed stations, staff will check ticket and ‘permit to travel’ machines every day that the station is staffed. Staff will be trained to put faults right themselves wherever possible, otherwise our maintenance contractors will repair any faults. Under our maintenance contract, machine faults will normally be put right within [24 hours].

- 5.4 At unstaffed stations,

[details of how machines at unstaffed stations will be checked and faults put right].

- 5.5 At staffed stations, ‘permit to travel’ machines will normally be switched off when the ticket office is open, but will be switched on by the ticket office staff when the ticket office closes. Ticket office staff will be given instructions to switch on any ‘permit to travel’ machine whenever unusually long queues build up at the ticket office.

## 6 Publicity and warning notices

- 6.1 In line with rule 3, notices telling passengers that we are going to introduce a penalty fares scheme will be displayed where they can be seen clearly at each penalty fares station for at least three weeks before the date on which the scheme comes into force. The wording of the notices is shown in appendix C.

- 6.2 As well as these notices, we will do the following to make sure that the introduction of the scheme is well publicised.

[Paragraphs describing what will be done – for example, posters, announcements on trains and at stations, newspaper, radio and television adverts and so on. The paragraphs must give the timescales, and the wording of any notices, adverts, and so on, should be attached.]

- 6.3 Before the scheme is introduced, we will brief ticket office staff, platform staff, customer services staff and traincrew about how the penalty fares scheme will work. We will keep a record of this briefing.

- 6.4 We will produce leaflets which will explain how the scheme works and which will include a map showing the penalty fares stations and the routes on which penalty fares trains run. These leaflets will be available, free of charge, at all staffed penalty fares stations from at least three

weeks before the scheme is introduced. We will do all we reasonably can to make sure that copies of the leaflet are available at each staffed penalty fares station and from our [customer services department] for as long as the scheme remains in force. We will give a copy of this leaflet and a copy of the SRA's Penalty Fares Rules to each person who asks for information about the scheme under rule 8. The wording of the leaflet is attached as appendix D. Our customer services department will send a large-print or audio-tape version of the leaflet to anyone who asks.

- 6.5 Penalty fares warning notices will be displayed in line with rule 4, at each penalty fares station and at each entrance to each CTA, from the date the scheme is introduced and for as long as the scheme remains in force. These notices will take the form of \*metal signs / \*posters in special poster sites, displayed at each entrance to the platforms and on the platforms at interchange stations where they can be seen by any passenger changing onto a penalty fares train. The wording and design of these warnings is shown in appendix E. The signs will follow the signing guidelines contained in the code of practice on penalty fares produced by the Association of Train Operating Companies. We will check that these warning notices are properly displayed at each station which we operate every four weeks as part of our regular station audit process. [Give details of how regular checks will be carried out at stations run by other operators.]
- 6.6 \*We will also provide penalty fares warning notices on board penalty fares trains. The wording of these warnings is shown in appendix E.
- 6.7 \*We will use the electronic customer information systems to display a penalty fares warning at the following stations.

[List of stations]

The warning will include the words 'Please buy your ticket before travelling as penalty fares apply to this train' at the bottom of the 'next train' information display for each penalty fares train.

## 7 Selecting and training authorised collectors

- 7.1 [Paragraph explaining the selection process, for example, the interview process, person specifications and the type of assessments used.]
- 7.2 We will train each person who is to be an authorised collector to make sure that they do this job properly. The training will include:
- product training, including ticket types and restrictions, excess fares and railcards;
  - National Rail Conditions of Carriage;
  - railway bye-laws;
  - Penalty Fares Rules and the Regulations;
  - details of this scheme, including how authorised collectors should use their discretion;
  - customer service; and

- how to avoid conflict.

This training will be carried out by

[name of internal or external organisation who will provide the training]

and will be given to

[training standard, for example, City and Guilds or NVQ].

We will keep appropriate records of this training.

- 7.3 After the training, we will assess trainees' knowledge and ability. We will only appoint someone as an authorised collector, and give that person identification as an authorised collector, if that person shows a satisfactory knowledge of the subjects listed above.
- 7.4 We will give refresher training to each authorised collector every [12] months. The refresher training will cover the same subjects as the initial training, and an assessment will be carried out afterwards. If an authorised collector fails to reach a satisfactory standard in the assessment, we will not allow them to continue as an authorised collector until they successfully pass an assessment after more training. We will keep appropriate records of this refresher training.
- 7.5 We will fully investigate all complaints about authorised collectors or how this penalty fares scheme is run, and we will take any action which is necessary as a result. We will keep records of the investigation and the action which we take. If appropriate, we will remove an authorised collector from duty and withdraw their authorised collector's identification, until they have been given extra training and re-assessed as being satisfactory.
- 7.6 Each authorised collector will be given a routine briefing by his or her supervisor or manager every [four] weeks, covering relevant issues concerning safety, customer service, product changes and revenue protection.
- 7.7 We will use a combination of induction training and briefing to make sure that other staff, including ticket office staff, platform staff, customer services staff and traincrew, know how the penalty fares scheme works. We will keep appropriate records of this training or briefing.

## **8 Written instructions to authorised collectors**

- 8.1 Authorised collectors will wear a distinctive uniform that clearly shows that they work for us. In line with rule 5, they will carry identification and produce it when charging a penalty fare or when asked by a passenger. This identification will include the authorised collector's photograph and will show that they are authorised to collect penalty fares on our behalf and on behalf of any other operators who have authorised them to collect penalty fares. We will not allow authorised collectors to collect penalty fares if they do not have this identification with them. The design of this identification will be in line with the code of practice on penalty fares produced by the Association of Train Operating Companies, and an example is shown in appendix F.
- 8.2 When they charge a penalty fare, authorised collectors will follow rule 8 by issuing a penalty fare notice. The wording and layout of this notice is shown in appendix G.



- 8.3 We will provide each authorised collector with written instructions in the form of a [revenue protection handbook]. A copy of these instructions is enclosed. The instructions will include details of the penalty fares trains and penalty fares stations under this scheme, the opening hours and contact phone numbers for the ticket-office at each penalty fares station and the [retail control centre]. It will include details of the arrangements made in connection with other operators' trains, passengers and penalty fares schemes. We will issue replacement pages to authorised collectors to keep their handbooks up to date whenever we make any changes.
- 8.4 The instructions will clearly set out where passengers are, and are not, to be charged a penalty fare, including the procedures for:
- passengers who have changed onto a penalty fares train from another train;
  - passengers who have tickets which are not valid only because of a ticket restriction;
  - passengers who have a ticket for their journey, but who are travelling by a route for which that ticket is not valid;
  - passengers who have standard class tickets who are travelling in first class; and
  - season-ticket holders who do not have their season-ticket with them.
- 8.5 Authorised collectors will be given the discretion not to charge a penalty fare, and either charge the full single fare in line with National Rail Conditions of Carriage or charge any relevant discounted fare as appropriate under the circumstances. The instructions will set out clear guidelines for using this discretion, which will be used towards:
- passengers who have mobility problems and passengers who are frail, elderly or heavily pregnant, who may not be able to get to the ticket office easily at the station where they got on the train or stand in a queue for a long time;
  - passengers who are not aware of the scheme because they are blind or partially sighted, are foreign visitors who live abroad, do not speak English very well, or have learning difficulties;
  - passengers who are travelling from stations where the only available ticket facilities are ticket machines or a 'permit to travel' machine, who have enough money (or credit or debit cards) to buy a ticket, but not the correct coins or notes needed to use the ticket or 'permit to travel' machine;
  - passengers travelling from stations where the only available ticket facilities are ticket machines, who claim that the machines were accepting coins only or the exact fare only and the passenger did not have the necessary coins (unless the authorised collector can confirm that the machines are in fact working normally);
  - passengers who are travelling from a station where the authorised collector has been told about long ticket office queues, or where fewer ticket windows than normal are open; and
  - all passengers when the train service is severely disrupted.
- 8.6 The instructions will set out procedures to make sure that people at risk, including children, people who are frail, elderly or heavily pregnant, and other vulnerable passengers, are not put at greater risk by charging them a penalty fare, especially late at night.

- 8.7 The instructions will remind authorised collectors that although they may require passengers to make a minimum payment in line with rule 8.2, passengers who are charged a penalty fare have 21 days in which to pay the rest. Authorised collectors will be given the discretion not to charge this minimum payment but to give passengers 21 days in which to pay the full amount of the penalty fare.
- 8.8 If a barrier check is to be carried out at a station without a CTA, authorised collectors will make sure:
- that they are in a position where they can see that a person approaching the barrier has got off a train; or
  - that they carry out a thorough search of the platform area before the check starts, to make sure that there is no-one on the platform side of the barrier check who is not travelling.
- 8.9 Authorised collectors \*will not be paid commission / \*will be paid commission of [5%] of the value of tickets they sell and [5%] of the value of the penalty fares which they charge.
- 8.10 We reserve the right to prosecute passengers if we think they intended to avoid paying their fare. In these circumstances, we will not charge them a penalty fare or, if they have already been charged a penalty fare, we will refund it.

## **9 Checking that ticket facilities are available and warning notices displayed**

- 9.1 We \*will/have set up a [retail control centre] at [location]. This will be open from [opening hours on Mondays to Fridays, Saturdays and Sundays]. Ticket office staff at each penalty fares station which we operate will tell the centre:
- if their ticket office closes temporarily (and when it reopens);
  - if their ticket office closes before its advertised time;
  - when very long queues build up (and when queuing levels return to normal);
  - when ticket or ‘permit to travel’ machines break down, or only accept coins or the exact fare; and
  - when these ticket or ‘permit to travel’ machines are working properly again.
- 9.2 At unstaffed stations,  
[details of how you will confirm whether machines at unstaffed stations are working properly].
- 9.3 [Details of how information on ticket facilities will be provided by, and received from, penalty fares stations that are run by other operators.]
- 9.4 The control centre will keep an appropriate record of the information they have received, and will give this to IPFAS as necessary so that they can investigate appeals.

- 9.5 We will give each authorised collector a message pager, and the [retail control centre] will send details of ticket office closures, very long ticket queues and faulty ticket or ‘permit to travel’ machines to every authorised collector. We will give each authorised collector a mobile phone so they can confirm whether ticket offices are open and whether ticket and ‘permit to travel’ machines are working properly, with the control centre or with the station staff.

## 10 Selling tickets on board trains

- 10.1 [Option 1] We do not intend to train conductors, guards or other on-train staff to be authorised collectors. However, staff who are not trained as authorised collectors will not be allowed to sell tickets on board penalty fares trains unless they are accompanied by an authorised collector.
- 10.1 [Option 2] On-train staff will be trained to be authorised collectors. Any staff who are not trained as authorised collectors will not be allowed to sell tickets on board penalty fares trains unless they are accompanied by an authorised collector.
- 10.1 [Option 3] We do not intend to train conductors, guards or other on-train staff to be authorised collectors. On-train staff will check and sell tickets on board penalty fares trains, but will provide a written penalty fares warning to any passenger who is liable to a penalty fare and will draw the passenger’s attention to that warning. The wording of the written warning is as follows.

[Wording of penalty fares warnings.]

[Description of how the penalty fares warnings will be issued.]

[Description of the training and refresher training which on-train staff will receive on how the penalty fares scheme works and how to issue penalty fares warnings.]

[Description of how staff will be monitored to make sure that each member of on-train staff issues penalty fares warnings correctly. Monitoring must be recorded and able to be audited.]

## 11 Arrangements with other operators

The following table identifies each penalty fares station which is served by trains of other operators, and sets out the arrangements which we will make with other operators.

Station	Is there a CTA?	Also served by trains operated by:	Does this operator have a penalty fares scheme?	Arrangements that will apply
[Name of station]	[Yes or no]	[Name of each other operator whose trains serve this station]	[Yes or no]	[A, B, C, D, E and/or F]

A – Passengers getting off this operator’s trains will not be charged penalty fares, but will be dealt with in line with the current National Rail Conditions of Carriage. It is possible to see who has got off this operator’s trains from the place where checks are carried out.

B – Passengers joining or getting off this operator’s trains will not be charged penalty fares. The trains of this operator use separate platforms, and ticket checks will only affect passengers on trains to which penalty fares apply.

C – Passengers joining or getting off this operator’s trains will not be charged penalty fares. The CTA does not cover the platforms used by this operator.

D – Passengers who say they have got off this operator’s trains (at or around the times when this operator’s trains arrive) will not be charged a penalty fare. Only a few trains run by this operator serve this station on any given day.

E – Penalty fares will be charged to passengers getting off this operator’s trains under the terms of that operator’s scheme, as long as the authorised collector has been individually authorised to collect penalty fares on behalf of this operator. These authorised collectors will be trained in the details of the other operator’s scheme, including the relevant discretion guidelines and how to confirm what ticket facilities are available at the penalty fares stations of the other operator. The identification carried by each authorised collector in line with rule 5 will show the names of the operators who he or she is authorised to collect penalty fares for.

F – We will authorise this operator’s authorised collectors to charge penalty fares under this scheme on our behalf. These authorised collectors will be given details of this scheme, including the discretion guidelines and details of how to contact the [retail control centre].

## 12 Appeals

- 12.1 All appeals against a penalty fare charged under this scheme will be handled by the Independent Penalty Fares Appeal Service (IPFAS). In line with the SRA’s Penalty Fares Rules, every passenger charged a penalty fare under this scheme will be made aware of their right to appeal. IPFAS’ address will be shown on the penalty fare notice, together with details of how to make an appeal.
- 12.2 IPFAS will decide appeals in line with the code of practice approved by the Regulator on 23 December 1997, as amended with the SRA’s approval from time to time. IPFAS will send passengers a copy of this code of practice if they ask.
- 12.3 We will give IPFAS details of this scheme, including details of ticket facilities and ticket office opening hours, the instructions given to authorised collectors and guidelines for using discretion. We will tell IPFAS about any changes to this information promptly. We will give IPFAS the necessary contact details for the [retail control centre], relevant revenue protection managers and ticket offices so that they can investigate appeals. We will pay IPFAS a set fee for each appeal, whether or not the appeal is accepted.

## Appendices [which need to be attached to your scheme]

Appendix A	Map showing penalty fares trains and penalty fares stations
Appendix B	Summary of the ticket facilities available at penalty fares stations (example below)
Appendix C	Wording of the notices telling passengers that a penalty fares scheme will be introduced, which will be displayed in line with rule 3.4
Appendix D	Wording of the leaflet explaining the penalty fares scheme
Appendix E	Wording and design of the penalty fares warning notices which will be displayed at every penalty fares station in line with rule 4
Appendix F	Wording and design of the identification for authorised collectors
Appendix G	Wording and layout of the penalty fare receipts and notices (rule 8)

### Appendix B: Ticket facilities at penalty fares stations

Station	Operator	Ticket office opening hours			'Permit to travel' machines	Ticket machines (location and type)
		Monday to Friday	Saturday	Sunday		
[name of station]	[station operator]	[For example 06:10-21:40]	[For example 06:10-21:40]	[For example 06:10-21:40]	[number]	[For example, 1 x Quickfare platform 1, 1 x Quickfare platform 2]

### Key

**'Permit to travel' machines (PERTIS):** A machine which issues a 'permit to travel' giving the time, date and station when a passenger puts in any amount from 5p up to the fare to be paid. The permit must be exchanged for a ticket within two hours either on the train or at the destination or interchange station. The amount paid will be taken off the price charged for the ticket. 'Permit to travel' machines will be switched on by the ticket office staff when the ticket office closes.

**Types of ticket machine: 'Quickfare'** – A ticket machine which sells a wide range of ticket types, to a wide range of destinations, and which accepts only coins and notes. **'Queuebuster'** – A ticket machine which sells a wide range of tickets to a limited range of destinations, and which accepts only debit and credit cards. Machines that are placed in ticket halls and so can only be used when the ticket office is open are marked with a "\*\*".

**Important:** The number of ticket and PERTIS machines, and the ticket office opening hours shown above, are a minimum. We have the right to open the ticket office earlier or close it later, provide more ticket or PERTIS machines, or provide machines of a different type which offer the same or greater range of destinations, ticket types and methods of payment.