Welcome to the Penalty Fares Guidelines.

January 2023

National Rail

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Please note that this edition of the guidance takes effect from 23 January 2023. Penalty Fares do not apply at all in Northern Ireland or in Scotland. Transport for London has a separate scheme that applies to London Overground and Elizabeth Line services, see https://tfl.gov.uk/fares/find-fares/penalty-fares-and-how-to-pay-them for details. Penalty Fares are not currently applied in Wales. At every station in England where Penalty Fares applies, warning notices set out which services and areas are covered by the scheme.

These guidelines feature numbered INFO BOX sections. These are separate to the guidelines and are to provide additional information and examples around Penalty Fares.

SECTION A

1. Foreword by Rail Delivery Group

"Working together, the rail industry is committed to change, improvement, and securing continued prosperity for Britain. The plan to improve our railways include four key promises; to strengthen our economic contribution to the country, improve customer satisfaction, boost the communities we serve, and create more and better jobs in rail.

Fare evasion is unfair to customers and detrimental to the rail industry because it means there is less money to invest in improving rail services or keeping fares down, so ultimately it is the customer who suffers. Because of this, it is crucial that penalty fares are set at a level that is appropriate for both the industry and customers.

The increase in penalty fares, the first in 18 years, will deter the minority of people who try to travel for free at the expense of other customers."

Jac Starr
Chief Executive Officer - Rail Delivery Group

2. Introduction to These Guidelines

The Rail Delivery Group has authored these guidelines to explain and interpret **The Railways (Penalty Fares) Regulations 2018 as amended in 2022,** to assist customers with understanding what a Penalty Fare is and when one can be issued. This is not a legally binding document and should only be used as an accessible summary of some of the key principles of the Regulations.

What is a Penalty Fare?

A Penalty Fare is an exceptional fare, charged if a passenger does not comply with the normal ticket purchasing rules without good reason. It is not an Unpaid Fares Notice, nor is it a fine. The rail industry does recognise that on occasion, there are situations where a passenger will have an incorrect ticket or will choose not to purchase a ticket to make the same journey their fare-paying fellow passengers have, despite the availability of ticket purchasing. When these situations arise, a Penalty Fare may be issued. There are also times when the ability to purchase a ticket before travel on the network may be limited and we will always try to make sure our customers have the opportunity to purchase the right ticket they need to travel.

These guidelines will apply to Penalty Fare Notices issued from **23 January 2023.**

3. Glossary of Terms

This table lists the terms used in these guidelines.

WHAT WE SAY	WHAT WE MEAN
Collector	A person who has been trained and employed to issue and collect Penalty Fares on behalf of a train company or station Operator.
Compulsory Ticket Area	An area designated by an Operator where customers must be able to produce a ticket or authority to be in (such as a train platform)
Penalty Fare	A special fare, higher than normal value, for travel on services without a valid ticket, when there was opportunity to purchase a ticket before boarding a train or entering a Compulsory Ticket Area.
Permit to Travel	These provide a means of determining where a customer started their journey when they have been unable to purchase a travel ticket and should be used when the ticket office is closed, or the ticket they require is not available, and must be exchanged for a ticket at the first opportunity or within **two** hours for a valid ticket. Customers must pay any difference in fare due. Passengers who are travelling with a valid permit are not liable to pay a Penalty Fare and will be accepted by any person authorised to sell tickets.
Promise to Pay	Similar to a Permit to Travel, Promise to Pay coupons can be obtained as a means to show ability to purchase a valid ticket, when opportunity is not available. They are only valid in select areas and must also be used as part payment toward the correct ticket at the earliest opportunity
Railway Byelaws	Made under Section 219 of the Transport Act 2000 and confirmed under Schedule 20 of the Transport Act 2000 by the Secretary of State for Transport on 22 June 2005 for regulating the use and working of, and travel on or by means of, railway assets, the maintenance of order on railway assets and the conduct of all persons while on railway assets
Regulations	This refers to The Railways (Penalty Fares) Regulations 2018 as amended in 2022
Operator (Train Operating Company or Station Operator)	A Train Operating Company provides timetabled passenger services on the GB rail network, under contract by the UK government. Station Operators will manage the day-to-day running of a station but may not manage train services. Train companies will advertise and inform customers which services they operate via visual signage (via customer information screens and logo on train carriages) and audible announcements (such as on train announcements or at a station). Exceptions to this include Heritage Railways, Eurostar and, in relation to these guidelines, services operated by Transport for London
Unpaid Fares Notice	An alternative to purchasing a ticket, an Unpaid Fares Notice (UFN) is a bill that a customer will need to pay at a future date, for the fare for the travel they have completed.
Fine	A fine is a monetary imposition upon individuals by a court who have been convicted of a crime. A fine is a criminal sanction.

1. People Who May Be Charged a Penalty Fare

1.1 On a train

Any person travelling on the rail network must purchase and hold a valid ticket or authority to travel[1], when they have the opportunity to do so, before starting their journey. If a customer cannot produce a valid ticket or authority to travel when asked by an Authorised Collector, or evidence to show the ability to purchase a ticket or authority to travel, they may be liable for a Penalty Fare.

Where available, a **Permit to Travel** or **Promise to Pay** can be produced if there was no facility to purchase a ticket from the station before you began your journey. If travelling with a discounted ticket, customers must also be able to present any supporting documentation (such as Railcards or other discount or concessionary pass) that validates their discounted ticket.

INFO BOX 1

For the sake of clarity within this guidance, the term 'ticket'[2] will include, but is not limited to, the following:

Anytime Single or Return • Off-Peak Single or Return • Super Off-Peak Single or Return • Advance • Travelcard • Ranger or Rover ticket • Carnet ticket • Season Ticket (valid for 7-Days or one month or longer) • rail staff pass

1.2 At a station

Any person who is present in a compulsory ticket area[3] must be able to produce a valid ticket if they intend to travel, or other authority to be there if not, if asked by a Collector or other person on behalf of an Operator. Being unable to produce a relevant ticket or authority may make you liable for a Penalty Fare. See Exemptions in Chapter 5 for more details.

[1] Authority to travel may be a 'Permit to Travel' or 'Promise to Pay' coupon, a smartcard holding 'pay as you go' credit or a valid contactless bankcard or device

[2] Tickets can be held as a physical paper ticket, mobile device, 'Print at Home', validated contactless card or device, or on a smartcard/Oyster card

[3] Compulsory ticket areas could be whole stations, platforms, interchanges, or businesses situated behind a ticket gateline and will have a poster to let you know.

1.3 Amount of Penalty Fare if issued on a train

Where a Penalty Fare is charged to someone travelling by, present on, or leaving a train, the amount of that Penalty Fare is **£100.00** plus the price of the full single fare applicable for your intended journey. However, if it is paid within 21 days, the Penalty Fare is reduced to **£50** plus the price of the single fare applicable.[4]

The full single fare could be based on an *Anytime, Off-Peak* or *Super Off-Peak* Single ticket, depending on age of the person travelling, the day, time and route travelled (including Train Operator-specific routes), but will not include any discounts such as a Railcard or GroupSave. In all cases, the Penalty Fare will be calculated from the station you started your train journey at to the station you are travelling to on that train.

1.4 Amount of Penalty Fare if issued at a station

If a Penalty Fare is issued at a station at the end of a journey, the Penalty Fare will be **£100.00** plus the price of the full single fare applicable for your intended journey. However, if it is paid within 21 days, the Penalty Fare is reduced to **£50** plus the price of the single fare applicable.[4]

The full single fare could be based on an *Anytime, Off-Peak* or *Super Off-Peak* Single ticket, depending on the age of the person travelling, the day, time and route travelled (including Train Operator-specific routes), but will not include any discounts such as a Railcard or GroupSave. In all cases, the Penalty Fare will be calculated from the station you started your train journey to the station the Penalty Fare is issued at.

1.5 Amount of a Penalty Fare if issued at a Compulsory Ticket Area

If you are not travelling on a train, nor intend to, but are issued a Penalty Fare at a Compulsory Ticket Area station, the Penalty Fare will be **£100.00,** However, if it is paid within 21 days, the Penalty Fare is reduced to **£50** plus the price of the single fare applicable. Further details can be found in the Regulations.

The cost of a Penalty Fare must be displayed on any warning posters at every station and area that is a Compulsory Ticket Area.

[4] The "full single fare applicable" is to be determined by reference to:

(a) the age of the person in question;

(b) the day and time of the journey that person is making, has made or intends to make, as the case may be; and

(c) the train and route that person is using, has used or intends to use.

2. People Who May Charge Penalty Fares

Penalty Fares can be charged by the Operator of any train or station within the scope of the Regulations.

Penalty Fares can only be charged on behalf of those Operators by a Collector and a person can only be a Collector if they have been individually authorised by, or on behalf of, the Train Operating Company or Station Operator.

Each Collector must carry, and produce if asked, valid identification which proves that they are authorised to charge Penalty Fares on behalf of a specific Operator or Operators.

The Rail Delivery Group recommends that Collectors allow passengers to make a note of the relevant details of their identification and authority, such as a badge number, as it appears on their identification[5] if requested.

INFO BOX 2

'On behalf of a Train Operating Company' means that an individual who is not employed by that Train Operating Company or Station Operator, such as an agency worker, but who will still be enforcing that Operators scheme.

2.1 Customer Expectations

People travelling on trains without a valid ticket or authority may be doing so with good reason and you should feel you are given the opportunity to explain this to a Collector.

Customers should feel listened to when they give their reasons for ticket buying facilities not meeting their needs, and be confident they will receive a certain level of customer service when challenged on ticketless travel and - as a minimum - they should expect:

- To be spoken to politely and clearly
- To feel confident that they will be given an opportunity to provide an explanation
- To not feel victimized by Collectors
- To have the Penalty Fare process explained to them in a way they can understand and to have their questions answered
- The right to a receipt if they pay the Penalty Fare in full or in part, and a statement of information relating to the Penalty Fare

If you feel that these expectations have not been met, every Operator will have a complaint process and customers should approach the Operator directly.

[5] Not all identification will display the Collectors name but must display a unique identifier.

3. Displaying Warning Notices

An Operator that charges Penalty Fares must ensure that warning notices are displayed at every station Penalty Fares will apply from, regardless of which Operator manages that station.

Any Operator who charges Penalty Fares must make sure that a warning notice is displayed at each entrance of each Compulsory Ticket Area also. These warning notices must be in line with the below bullet points.

INFO BOX 3

When stations are served by multiple train companies, including those that do not charge Penalty Fares, there must be - as a minimum - **one** notice displayed in a place that it can be visible to a customer joining a connecting train without passing through a ticket barrier.
For example, at the bottom of a footbridge connecting platforms or in a subway.

Where a station is operated by a company that does not operate a Penalty Fares scheme - for example a station operated by Network Rail - they should provide the necessary space to display notices as stated above.

Warning notices should,

- Be noticeable, easy to read and easy to distinguish from other posters, and from the general surroundings
- Clearly provide guidance as to when a Penalty Fare may be charged (see *Info Box 4*)
- Clearly state the possible consequences of ticketless travel
- Give the amount, or maximum amount, of any Penalty Fare; and contain the text and logos set out in the Regulations

INFO BOX 4

Providing guidance on where to access information on Penalty Fares and when they may be charged could be by supplying a QR code or URL displayed on the poster, directing customers to further information on Penalty Fares, as well as or instead of, written on the poster.

4. NON-PENALTY FARE TICKETLESS TRAVEL

Not every occasion a passenger travels without a valid ticket can result in a Penalty Fare being issued. In these situations, an Operator may,

- Sell the correct ticket if facilities were not available at the start of a journey,[6]
- Charge the difference in fare from the ticket held to the correct ticket, or
- In some cases, report ticketless travel for prosecution.

If a customer is reported for prosecution for ticketless travel, any Penalty Fare charged will be cancelled under the Regulations.

4.1 Exemptions

4.1.1 Travelling in the wrong class

A Collector cannot charge a Penalty Fare to a person travelling in a class of accommodation for which their ticket is not valid if:

1. 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
2. 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 (see **Info Box 5** for further details)

4.1.2 Being present in a Compulsory Ticket Area

A Collector cannot charge a Penalty Fare to a person if:

1. They are in a Compulsory Ticket Area to provide assistance to another person who does have a valid ticket or authority to be in the Compulsory Ticket Area.
2. 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;
3. Warning notices were not displayed at the entrances to the Compulsory Ticket Area in line with Chapter 4;
4. 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.

[6] An example of when there are no facilities to purchase may be when a ticket office closed and ticket machines only capable of credit/debit card payments when a customer wishes to pay cash. These circumstances can be verified as part of the appeal process.

4.1.3 Travelling on a train

An Authorised Collector cannot charge a Penalty Fare to a person if:

1. There were **no** facilities available to issue the appropriate ticket for the journey which that person wanted to make;
2. Warning notices were not clearly displayed in line with Chapter 4;
3. A notice was displayed which indicated that passengers were allowed to board that train without a ticket or other authority to travel;
4. 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. See **Info Box 5** for more details.
5. A person began their journey at a station with no opportunity to buy a ticket and who did not have sufficient time to buy one at an interchange station

INFO BOX 5

In situations where a person appears to be acting for or on behalf of a train Operator, it is advisable for a customer to make a note of the person who has indicated travel is allowed; such as name (if a name badge is worn), physical description and where on the station they are located (outside ticket office, at the gates etc.). This can assist with later verification or appeal.

5. ARRANGEMENTS FOR CHARGING AND PAYING PENALTY FARES

There are certain rules a Collector must follow and provide in writing when issuing a Penalty Fare that are set out in the Regulations. They are;

1. A statement to say that you are being issued a Penalty Fare
2. An explanation of why you are being issued a Penalty Fare
3. State their identification number
4. State the name of the Operator they are issuing the Penalty Fare on behalf of
5. State the unique Penalty Fare number
6. State the amount of the Penalty Fare
7. A statement to say that you are able to appeal the Penalty Fare
8. A statement to say the Penalty Fare must be paid or appealed within 21 days, starting the following day
9. An explanation of how a Penalty Fare can be paid
10. A statement that you are entitled to a receipt if you pay the Penalty Fare

When issuing a Penalty Fare, the Collector may request that the customer make a **minimum payment** towards the Penalty Fare that is **equal to what they would pay** for their journey, if they had purchased a ticket before traveling. You may still be liable to pay the remaining fare later.

INFO BOX 6

You should be aware that failure to provide the minimum fare towards a Penalty Fare may be viewed as a deliberate attempt to evade the fare owed.

If you pay all or part of a Penalty Fare, the Authorised Collector must give you a receipt for the payment. This is a legal requirement.

INFO BOX 7

Payment of a Penalty Fare is not an admission of guilt and the Penalty Fare can still be appealed within the 21 days, starting the day after it is issued.

5.1 Continuing your journey

Any receipt or Penalty Fare issued must allow the customer to continue the train journey to stop shown on that receipt or Penalty Fare (which could be the station a train has stopped at, allowing passengers to alight).

If you want to travel beyond that stop, you must pay the relevant fare from that stop to your destination station, **as well as the Penalty Fare.**

If the receipt or Penalty Fare is issued regarding a Compulsory Ticket Area, it will also allow you to leave the Compulsory Ticket Area.

INFO BOX 8

For example, a customer is travelling from **Station A** to **Station C** via **Station B** without having bought a ticket first. If they are issued a Penalty Fare whilst the train is travelling between **Station A** and **Station B,** the Penalty Fare would allow them to **remain** on the train to **Station B,** where they are changing trains.

The customer would then need Purchase a ticket for the remainder of their journey when they change trains at **Station B.**

Customers who have been issued a Penalty Fare can ask the Operator to send them a complete and up-to-date copy of these guidelines.

6. PROVIDING INFORMATION

It is an offence to withhold personal details when being issued a Penalty Fare. An Authorised Collector has the legal right to ask for:

- Your name
- Your current address
- Your date of birth

Failure to provide these details or misrepresentation of your personal details is an offence under the Regulations (13(2)), the Regulation of Railways Act 1889 (section 5(3)) and contravenes Railway Byelaw 23(1) and may be viewed as an attempt to evade your fare.

7. APPEALS

Every Operator that issues Penalty Fares must have made arrangements for customers to appeal against a Penalty Fare. Appeals must be processed and decided in line with the Regulations. This requires that all appeals must be considered by an appeal body which is administratively independent from the train operating companies or owning groups.

Passengers are entitled to appeal a Penalty Fare up to three times with each stage of the appeal being considered based on its merits and information available to the decision maker. Outlined below are what you can expect from each stage of the appeal.

INFO BOX 9

When the Appeals process set out in the Regulations has not been followed, the customer can expect their individual appeal to be reassessed, and remedial action taken. They will be notified when this is the case by the Operator or appeals body.

If a customer is issued a Penalty Fare, and believes it was not in accordance with the Regulations, they have the right to appeal it within 21 days starting the day after it is issued. Any appeal should be heard and responded to within 21 days of receipt.

7.1 First Stage Appeal

When issued a Penalty Fare, a passenger may appeal against it to the relevant appeals body within **21 days starting the day after a Penalty Fare is issued** to them. The 21 days will be paused once the First Stage Appeal receives an appeal.

For clarity, this shall be referred to as the **First Stage Appeal.** At the First Stage Appeal you must provide information to the appeal provider on why you are appealing and supporting evidence to the assertion. This will then be considered by the decision maker who will review this evidence with, where possible additional data sources to accept or reject your appeal.

A customer should expect the outcome of their appeal to reflect any supporting evidence or vulnerabilities that were a part of the appeal to be acknowledged. Appeal decisions will include reasons why any disclosed vulnerabilities will, or will not, be considered.

If an appeal is declined at the First Stage Appeals, the person issued a Penalty Fare has **14 days** from the date they receive the decision to pay the Penalty Fare or appeal to the Second Stage Appeal panel. As part of the decision of the appeal, details will be provided by the scheme Operator of how to appeal to a Second Stage Appeal Panel.

7.2 Second Stage Appeal

If an appeal is declined by the First Stage Appeal, customers can appeal to a Second Stage Appeal panel within 14 days of receiving the decision of the First Stage Appeal unless the deadline is extended by the First Stage Appeal panel. For clarity, this shall be referred to as the Second Stage Appeal.

As with the First Stage, the 14 days to pay the Penalty Fare will be suspended if an appeal is submitted.

At this stage you can provide additional information (if any) to the appeal provider which you feel can further support why you are appealing and supporting evidence to the assertion.

This will then be considered by a different person within the appeals provider who will review this evidence from the Second Stage Appeal and previous First Stage Appeal, to accept or reject your appeal.

A decision will be made by the Second Stage Appeal caseworker within 21 days of receiving the appeal.

If an appeal is declined at Second Stage Appeal, the person issued a Penalty Fare then has **14 days** from the date of the decision to pay the Penalty Fare or appeal to the Third/ Final Stage Appeal panel. As part of the decision of the appeal, details will be provided by the scheme Operator of how to appeal to a Final Stage Appeals Panel.

7.3 Final Stage Appeal

If an appeal has been declined at both First and Second Stage Appeal, you can appeal to a Final Stage Appeal panel.

The Final Stage Appeal panel is different from the previous two stages in that will be conducted by a panel of three members, where the majority decision will decide the outcome. This panel will be independent of any Operator or their affiliates and will not be part of the appeal providers' corporate structures.

To ensure this panel is independent, passenger groups may be asked to work with appeal providers to approve panel members and ensure they are trained and operate effectively.

INFO BOX 10

Members of the Final Appeals Panel were agreed and appointed by the appeals body in consultation with London TravelWatch and Transport Focus, and not directly employed by any organisation connected to a Penalty Fares Operator

A Final Stage Appeal must be submitted within **14 days** of the date of the decision of the Second Stage Appeal. The panel will, as with previous stages, consider cases based on the information provided by both previous stages and any additional information provided by the appellant. They may also consider mitigating circumstances, outside the normal rules, which could impact the outcome of the appeal. This "reasonableness test" will allow for situations outside the scope of the rules to be considered.

A majority decision will be made by the Final Stage Appeal panel within 21 days of receiving the appeal.

After the Final Stage Appeal, a passenger has exhausted their appeals. Customers will be advised at this stage of the full outstanding Penalty Fare they are required to pay.

8. CHANGING A PENALTY FARES SCHEME

If an Operator who issues Penalty Fares chooses to make any changes to how they issue Penalty Fares, the Rail Delivery Group recommends they advertise planned changes at least **21 days** before the proposed date of the change. These changes can be communicated via station posters and announcements, the Operators own website and any other relevant communications channels.

At the same time, the Operator should inform the Rail Delivery Group, the Rail Ombudsman, Transport Focus and/or London TravelWatch and Passenger Transport Executives with a summary of the proposed changes.

If Penalty Fares are no longer issued at a station or Compulsory Ticket Area as a result of a change, the Operator must make sure that all relevant warning notices at that station or Compulsory Ticket Area are removed promptly.

INFO BOX 11

For example, a change could be made at the time of a new operating contract where the new Operator is required to run a Penalty Fares scheme that the previous Operator did not.

The Operator must make sure that any notices, leaflets or other publicity referring to the scheme are promptly amended, removed or replaced to reflect any changes.

9. COMMENCEMENT AND TRANSITIONAL ARRANGEMENTS

These guidelines cover the penalty fares rules as amended in 2022, apply to Penalty Fares Notices issued from **23 January 2023,** and are available at www.nationalrail.co.uk/penaltyfare

Any train or station Operator charging Penalty Fares under the rules applying immediately before the amendments come into effect may continue to charge Penalty Fares to the same extent as they were able to do under the former arrangements.

Thank you

National Rail