

## **Penalty Fare Appeals Policy**

### **1. Introduction**

This document explains our policy on appeals against the decision to issue a Penalty Fare Notice.

### **2. Penalty Fares**

Penalty Fare Notices are issued on Translink services by authorised members of staff in accordance with Schedule 1B, Section 67K of the Transport Act (Northern Ireland) 1967.

A Penalty Fare Notice is issued when a passenger travelling on a Translink service fails to produce on demand a valid authority to travel when required to do so by an authorised person.

Penalty Fare Notices are issued in lieu of taking criminal prosecution following fare evasion in circumstances where the offender is considered to have deliberately set out to avoid the fare due.

The Penalty Fare is £50, plus the full single fare for the journey being undertaken.

If you don't pay a penalty fare on the spot, when asked to by member of staff, you will be told you have 21 days from the day following the issue of the Penalty Fare Notice.

### **3. Appeals**

If an individual is found to be liable for a Penalty Fare they will be issued with a Penalty Fare Notice. The Penalty Fare Notice provides the individual with details of the offence, a receipt for any monies paid, information on how to make a payment and information on the right of appeal.

The appeals process provides individuals with the opportunity to challenge the decision to issue a Penalty Fare Notice.

All appeals must be submitted in writing (hard copy or via email). Appeals will not be considered over the phone or in person. To ensure that all appeals are investigated fully, please include the following information with your appeal:

- Journey start time and station/bus stop;
- Daytime telephone number or email address;

- Statement explaining why you couldn't produce a valid ticket for your journey;
- reference number (detailed on the Penalty Fare Notice);

There are strict deadlines for making an appeal. The deadline for appeal is 21 days from the day following the issue of the Penalty Fare Notice.

If an appeal is received by Translink outside of the deadline the appeal will normally be rejected and its contents will not be considered. A letter will be sent to the appellant informing them of this decision. No further appeal will normally be considered.

#### **4. Successful Appeals**

Translink takes non-payment of fares very seriously. An appeal will therefore only be allowed in very limited circumstances if:-

- The original decision to issue a Penalty Fare Notice was incorrect; or
- There is sufficient and relevant mitigation and evidence submitted by the appellant to justify discretion.

If an appeal is successful the appellant will be issued with a letter confirming same.

#### **5. Unsuccessful Appeals**

If the decision is made to disallow an appeal the appellant will be informed of the decision in writing. The appellant will be advised of a new timeframe within which payment of the penalty fare must be made (being not less than 21 days from day following issue of the Penalty Fare Notice).

No further appeal is permitted.

If the individual fails to pay the penalty fare within the time period stipulated, this may result in prosecution. If convicted, the individual could face a penalty of up to £1,000 plus court costs.

#### **6. The Appeal Process**

Appeals must be submitted within 21 days from the day following the issue of the Penalty Fare Notice.

Appeals must be submitted to:-

Translink Customer Services  
Translink Contact Centre  
Adelaide Centre  
8 Falcon Road

Belfast  
BT12 6PU

Responses will normally be issued within 28 days of the Penalty Fare Notice being issued. However, in certain circumstances it may not be possible to meet this deadline or it may be necessary to investigate a case further. If the delay in providing an outcome is likely to be significant the appellant will normally be notified of this in writing.

Translink may require further evidence from an appellant to support their claim. In these circumstances a letter requesting the supporting information will be sent to the appellant specifying a deadline within which this information must be provided. If the deadline is not met the appeal will normally be refused.

Appeals will be considered by two persons of supervisory grade who will review the evidence submitted by the appellant, the individual who issued the Penalty Fare Notice, and any other relevant individual(s).

Once a decision is made Translink will communicate their decision directly to the appellant in writing.

Date- August 2016