

**PROPOSALS FOR
THE PENALTY FARES (INCREASE) ORDER
(NORTHERN IRELAND) 2016**

A CONSULTATION PAPER

**Transport Policy, Strategy & Legislation Division
3rd Floor Clarence Court
10-18 Adelaide Street
BELFAST
BT2 8GB**

**Telephone: 028 90 540594
Facsimile: 028 90 540604**

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A note setting out the background to the proposal.

A copy of the proposed Penalty Fares (Increase) Order (NI) 2016.

A list of Consultees.

BACKGROUND

The Penalty Fares System was designed to protect the majority of customers from the minority of people who travel without a valid ticket for the journey they are making. Fare evasion is estimated at 1% of total fares which equates to a potential loss of over £1million per year.

Schedule 1B to the Transport Act 1967, as inserted by S.I. 1990/994 (N.I. 7), makes provision for penalty fares to be paid by a person who travels on a bus or train service without paying the proper fare.

Paragraph 4(1) of that Schedule provides that the amount of a penalty fare shall be the full single fare for the journey plus an additional amount set by Order.

When the Act was initially drafted in 1967 the penalty fare amount was set at £5. Paragraph 4(1) of Schedule 1B to the Transport Act 1967 (Northern Ireland) (as inserted by SI 1990/994 (N.I. 7)) provides that the amount of a penalty fare shall be the full single fare for the journey plus £5.

The penalty fare was increased by Order in 1991 to £10 and a further increase in 2008, when the Penalty Fares (Increase) Order (Northern Ireland) 2008 increased the penalty fare to £20.00.

Translink, as the main public passenger transport provider in Northern Ireland, has requested that the Department consider a further increase the penalty fare by Order in Northern Ireland.

The basis for the proposed increase is:

- the current penalty fare of £20.00 is no longer seen as an effective deterrent to fare evaders;
- higher penalty fares are dispensed elsewhere, e.g.

Transport for London's penalty fare is set at £80.00 (reduced to £40 if paid within 21 days);

First Group penalty fares are up to £50 dependant on the area within which the transport service operates; and

Iarnrod Eireann's penalty fare is set at €100.

- off-vehicle ticketing has been proposed with the introduction of Belfast Rapid Transit with the potential to increase the risk of fare evasion.

The Department considers that with the passage of time and the need to ensure that any penalty fare amount should act as an effective deterrent to fare evasion, the current amount of £20.00 set in 2008 is considered to be too low. It is felt that a £50 penalty would act as such a deterrent to fare evasion without being too excessive.

There is little additional revenue received from fines, the real value comes from the extra revenue received as more passengers chose to pay their fare rather than attempt fare evasion.

The proposed draft Order sets out the requirements for the increase in the penalty fare. A copy of the proposed Order is attached at Annex A.

The list of consultees is also provided. If you consider that this consultation should be copied to additional interested parties please contact me as soon as possible and I will ensure their inclusion.

Comments on the proposed Order should be made in writing and may be forwarded electronically via e-mail to either george.kearns@drdni.gov.uk or janette.galloway@drdni.gov.uk or, alternatively, via post to George Kearns or Janette Galloway, Department for Regional Development, Transport Policy, Strategy and Legislation Division, 3rd Floor, Clarence Court, 10–18 Adelaide Street, Belfast BT2 8GB.

The closing date for receipt of all responses is 12 February 2016.

The Department tries to make its consultation procedure as thorough and open as possible. Following the end of the consultation we shall publish details of the responses received. Information you provide in your response, including **personal information**, could be published or disclosed under the Freedom of Information Act 2000 (FOIA). Under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals with obligations of confidence. If you want the information that you provide to be treated as confidential it would be helpful if you could explain why. Although we will take full account of your explanation we cannot give an assurance that confidentiality can be maintained in all circumstances. Any automatic confidentiality disclaimer generated by your IT system will not be regarded as binding on the Department.

For further information about the confidentiality of responses please contact the Information Commissioner's Office (or see web site at: www.ico.org.uk).

STATUTORY RULES OF NORTHERN IRELAND

2015 No.

ROADS AND RAILWAY TRANSPORT

The Penalty Fares (Increase) Order (Northern Ireland) 2016

Made - - - - - ***2016

Coming into operation - - - - - ***2016

The Department for Regional Development (**a**), in exercise of the powers conferred by paragraph 4(2) of Schedule 1B to the Transport Act (Northern Ireland) 1967(**b**) and now vested in it (**c**), makes the following Order -

Citation and commencement

1. This Order may be cited as the Penalty Fares (Increase) Order (Northern Ireland) 2016 and comes into operation on the *****2016.

Increase in amount of penalty fare

4. In paragraph 4(1)(a) (**d**) of Schedule 1B to the Transport Act (Northern Ireland) 1967 for “£20” substitute “£50”.

Sealed with the Official Seal of the Department for Regional Development on ***2016

A senior officer of the Department



(a) SI 1999/283

(b) 1967 c.37 (N.I.); Schedule 1B was inserted by Schedule 1 to S.I. 1990/994 (N.I. 7)

(c) The functions of the Ministry of Development under the Transport Act (Northern Ireland) 1967 were transferred to the Department of the Environment by S.R.&O (N.I.) 1973 No.504 and to the Department for Regional Development by S.R. 1999 No.481

(d) Paragraph 4(1)(a) was amended by Article 2 of S.R. 2008 No. 281

EXPLANATORY NOTE

(This note is not part of the Order)

Schedule 1B to the Transport Act (Northern Ireland) 1967 (as inserted by SI 1990/994 (N.I. 7)) makes provision for penalty fares to be paid by a person who travels on a bus or a train service without paying the proper fare.

Paragraph 4(1) of that Schedule provides that the amount of a penalty fare shall be the full single fare for the journey plus £20.

This Order increases that amount by an additional £30 to £50.

LIST OF CONSULTEES

Northern Ireland Railways

Consumer Council

City, District and Borough Councils

Community Transport Associations

Disability Action

Equality Commission for NI

NI Committee of ICTU

NI Human Rights Commission

Northern Ireland Transport Holding Company

Health and Safety Executive (NI)

Railway Preservation Society of Ireland

Inclusive Mobility Transport Advisory Committee

Age NI

Citizens Advice Bureau

All those listed in Appendix 3 of the Department's Equality Scheme