

GREATER LONDON AUTHORITY ACT 1999

THE CROYDON TRAMLINK (PENALTY FARES) ORDER 2018

Made

2018

Coming into force in accordance with article 2

Services on Tramlink are designated in the Greater London Authority (Penalty Fares) (Croydon Tramlink Designation) Order 2000 as services in relation to which paragraph 9 of Schedule 17 to the Greater London Authority Act 1999 is to apply.

The Croydon Tramlink (Penalty Fares) Order 2009 specifies that a modified version of Schedule 17 applies to services for the carriage of passengers by Tram on Tramlink as provided in Schedule 1 to that Order. It is now necessary to further modify Schedule 17.

Accordingly, the Mayor, on the application of Tramtrack Croydon Limited, and in exercise of the powers conferred by paragraph 9 of Schedule 17 to the Greater London Authority Act 1999 and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and Commencement

1. This Order may be cited as the Croydon Tramlink (Penalty Fares) Order 2018.
2. This Order shall come into force on 16 July 2018.

Penalty Fares on trams

3.—(1) The Croydon Tramlink (Penalty Fares) Order 2009 shall be amended as follows.

(2) For article 4 of Schedule 1 substitute:—

“4.—(1) Paragraph 4 shall be modified as follows.

(2) For “train” in each place occurring there shall be substituted “tram” and for “station” in each place occurring there shall be substituted “tramstop”.

(3) In sub-paragraph (1) for “Subject to sub-paragraph (2) below, if” there shall be substituted “If”.

(4) Sub-paragraphs (2) and (3) shall be omitted.

(5) In sub-paragraph (4)—

(a) for “Without prejudice to sub-paragraphs (2) or (3) above, a” there shall be substituted “A”.

(b) in paragraph (a) “or (in the case of a station controlled by a third person) a deferred fare authority” shall be omitted; and

(c) in paragraph (b) for "person in the uniform of the person" there shall be substituted "constable in uniform or an authorised person".

(6) Sub-paragraph (5) shall be omitted.

(7) In sub-paragraph (6) for "sub-paragraphs (2), 3(b) or (4)" there shall be substituted "sub-paragraph (4)".

(8) In sub-paragraph (7) delete "(2), 3(b) or".

(9) In sub-paragraph (8)(a) –

(a) for ", general travel authority or (where relevant) deferred fare authority" there shall be substituted "or general travel authority"; and

(b) "and also, if he started so to travel when he transferred from a train service provided by a third person the time when and the station where he started to travel on that service" shall be omitted.

(10) The cross heading accordingly becomes "Penalty fares on trams".

(3) For article 4 of Schedule 2 there shall be substituted:—

"4.—(1) If a person travelling on a tram service fails to produce a fare ticket or a general travel authority on being required to do so by an authorised person, he shall be liable to pay a penalty fare if required to do so by an authorised person.

(2) [Omitted]

(3) [Omitted]

(4) A person shall not be liable for a penalty fare under this paragraph if at the time when and the tramstop where his journey began –

(a) there was displayed a notice (however expressed) indicating that it was permissible for passengers beginning a journey at that tramstop at that time to do so without having a fare ticket or a general travel authority; or

(b) a constable in uniform or an authorised person controlling that tramstop gave permission to the same effect.

(5) [Omitted]

(6) Sub-paragraphs (7) and (8) below have effect with respect to the burden of proof in any action for the recovery of a penalty fare under this paragraph, so far as concerns the question whether the facts of the case fall within sub-paragraph (4) above.

(7) In any case where the defendant has provided the plaintiff with a relevant statement in due time it shall be for the plaintiff to show that the facts of the case do not fall within sub-paragraph (4) above and in any other case it shall be for the defendant to show that the facts of the case fall within any of those provisions.

(8) For the purposes of sub-paragraph (7) above—

(a) a relevant statement is a statement giving an explanation of the defendant's failure to produce a fare ticket or general travel authority, together with any information as to his journey relevant to that explanation (including, in every case, an indication of the time when and the tramstop where he started to travel on the tram service); and

(b) a statement is provided in due time if it is provided when the defendant is required to produce a fare ticket or general travel authority, or at any later time before the expiration of the period of 21 days beginning with the day following the day on which the journey is completed."

Signed by

A handwritten signature in blue ink, appearing to read 'Sadiq Khan', with a small '1' written below it.

Sadiq Khan
Mayor of London

Date:

12th June

2018

