



# Penalty Fare Appeals Policy

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This policy supersedes any previous policy, is accurate at time of publishing and is subject to periodic review.



# Penalty Fare Appeals Policy

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## 1. Introduction

### 1.1 Scope

This document explains our policy on appeals against the decision to issue a Penalty Fare Notice. It is designed to assist Transport for London (TfL) staff, stakeholders and customers in understanding the role of the appeals process and how it is used to protect the interests of individuals who have been issued a Penalty Fare Notice.

This document does not seek to provide interpretation of the legislation governing Penalty Fares or provide guidance on how to make a successful appeal.

This document does not refer to the Zip Enforcement appeals process. For information about the appeals process relating to the suspension of concessionary travel from Zip Oyster photocard holders please see our Zip Enforcement Policy<sup>1</sup>.

### 1.2 Penalty Fares

Fare evasion costs Londoners millions of pounds a year. This is money which could and should be used to further improve public transport. The Penalty Fare is one of several tools available to minimise this revenue loss and deter individuals from committing fare evasion.

Penalty Fare Notices are issued on TfL's services by authorised members of staff in accordance with powers granted by Schedule 17 of the Greater London Authority Act 1999 as amended by Part 4 of the Transport for London Act 2008. This document relates to Penalty Fare Notices issued on services run by London Bus Services Limited (LBSL), London Underground Limited (LUL), Docklands Light Railway (DLR), London Overground Rail Operations Limited (LOROL), London Tramlink (Trams) and TfL Rail.

A Penalty Fare Notice is issued when a passenger travelling on a TfL service fails to produce on demand a valid travel mandate 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 not to have deliberately set out to avoid the fare

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<sup>1</sup> <http://www.tfl.gov.uk/cdn/static/cms/documents/zip-enforcement-policy.pdf>



due. An individual suspected of deliberate fare evasion risks prosecution which may result in criminal conviction, a fine of up to £1,000 and in some cases imprisonment. Please see TfL's Revenue Enforcement and Prosecutions Policy for further information<sup>2</sup>.

The Penalty Fare on TfL services is £80, reduced to £40 if paid within 21 days of the Notice being issued. If an appeal is received within the stipulated timeframe and is unsuccessful, the value of the Penalty Fare will be reduced to £40 if paid within 21 days of the date of the letter rejecting the grounds of that appeal<sup>3</sup>. An appellant will then be advised of a new timeframe a payment must be made within or a further appeal must be received by. If neither payment nor a further appeal is received within this new timeframe the Penalty Fare will revert to its original level of £80. Section 2.1 provides further details of the appeals timeframes.

Reminder letters may be sent by TfL or other agencies engaged in administering the Penalty Fare scheme in order to ensure payment is received in a timely manner.

If a Penalty Fare remains unpaid it will constitute a debt and TfL reserves the right to pass the details of individuals to a debt recovery agency or consider prosecution.

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<sup>2</sup> <http://www.tfl.gov.uk/cdn/static/cms/documents/revenue-enforcement-and-prosecutions-policy.pdf>

<sup>3</sup> The deadline for payment is either 21 days from the date of issue or 14 days from the date on the letter rejecting a first stage appeal; whichever is later.



## 2. Appeals

If an individual is found to be liable for a Penalty Fare, they will be issued 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 payment and information on how to make an appeal.

The appeals process provides individuals with the opportunity to challenge the decision to issue a Penalty Fare Notice. There are three appeal stages whereby an individual can make an appeal against TfL's decision. Only one appeal stage may be engaged at any one time, i.e. a second stage appeal can only commence once the outcome of the first stage appeal has been decided. Unless directed otherwise, an appellant may only submit one set of correspondence per appeal stage. Therefore, once an appeal has been received no further correspondence will be considered until the outcome of the appeal has been communicated to the appellant.

All appeals must be submitted in writing, via email or online where applicable (see Section 3). Appeals cannot be considered over the phone or in person. To ensure that appeals are investigated fully, reference numbers must be quoted in all correspondence.

### 2.1 Out of Time Appeals

There are strict deadlines for making an appeal. This is to ensure that payments of Penalty Fares are received in a timely manner and disputes are dealt with promptly. The deadline for appeal is stated on the Penalty Fare Notice<sup>4</sup> and/or in any correspondence informing of the outcome of the appeal. The following appeals deadlines apply (accurate on policy issue date):

- 1<sup>st</sup> Stage – within 21 days
- 2<sup>nd</sup> Stage – within 14 days
- 3<sup>rd</sup> Stage – within 14 days

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<sup>4</sup> Alternatively, information on how to pay or appeal a Penalty Fare may be provided on a separate information slip at the time of issue.



The timeframe for first stage Penalty Fare appeals begins the day after the date of travel. The timeframe for second and third stage appeals begins the day after the date of the letter informing the appellant of the decision to turn down their previous appeal.

The above timeframes are designed to provide sufficient time for an appellant to be made aware of the issue of a Penalty Fare Notice (and/or the outcome of a previous appeal), to compose an appeal and for that appeal to be received by TfL (or its contractors). Any appeal received outside of this deadline will be considered 'out of time'.

**We strongly advise that appellants request a certificate of postage or use recorded delivery when submitting an appeal via the post.**

If an appeal is received by TfL (or its contractors) 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.

Out of time appeals will only be considered if the appellant provides suitable mitigation and evidence for submitting an appeal outside of the stated deadline. It is TfL's decision as to what constitutes suitable mitigation and evidence and this is decided on a case by case basis. An example might be where a passenger is taken ill resulting in hospitalisation preventing them from appealing within 21 days. They must then appeal, providing written evidence of their hospitalisation.

## **2.2 Appeals from Third Parties**

Appeals from third parties will not normally be considered. Appeals will only be considered if they are made by the individual concerned or, in the case of a minor, by the individual's parent/guardian. In all other cases, written consent from the individual will be required in order to consider an appeal from a third party.



## 2.3 Successful Appeals

TfL takes non-payment of fares very seriously. Therefore, an appeal will only be allowed if:

- The original decision to issue a Penalty Fare Notice was incorrect
- There is significant and relevant mitigation and evidence put forward by the appellant to justify discretion
- **For Penalty Fare Notices on buses,**
  - the appellant had no reasonable opportunity to purchase a fare
- **For Penalty Fare Notices on trains or trams,**
  - there were no facilities available to purchase a fare at the station where the appellant began his or her journey;
  - there was a notice from TfL indicating that passengers may use the service at a particular station at a particular time without having a fare;
  - an authorised person gave permission or authorised the passenger to use the service at a particular station at a particular time without having a fare

If an appeal is successful and a Penalty Fare has been fully paid or part paid by the appellant, they will normally receive a full refund of the amount paid. However, under certain circumstances TfL may decide to retain the price of the minimum fare<sup>5</sup>. No interim travel costs incurred will be refunded under any circumstances.

## 2.4 Unsuccessful Appeals

If the decision is made to turn down an appeal the appellant will be informed of the decision in writing. The letter will also provide the appellant with information on how to make a further appeal (if applicable).

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<sup>5</sup> In certain cases, the standard fare will be deducted from the amount refunded.



## 3. The Appeals Process

### 3.1 First Stage Appeals

First stage Penalty Fare appeals relating to London Buses, London Underground, Docklands Light Railway, London Overground and TfL Rail are handled by the Independent Appeals Service (IAS).

Appeals must be submitted within 21 days of the date of issue to:

Independent Appeals Service  
PO Box 212  
Petersfield  
GU32 9BQ

Or online at [www.ircas.co.uk](http://www.ircas.co.uk)

Or by downloading a form from [www.ircas.co.uk](http://www.ircas.co.uk) to return by fax or post

#### 3.1.1 Tram Appeals

First stage Penalty Fare appeals relating to London Tramlink are handled by Tram Operations Limited (TOL).

Appeals must be submitted within 21 days of the date of issue to:

Penalty Fare Administration  
Tramlink Shop  
5 Suffolk House  
George Street  
Croydon  
CR0 1PE

Responses to first stage appeals will normally be provided within 21 days of receipt of the appeal. 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.

The IAS and TOL may request 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.

The IAS and TOL are contracted by TfL to independently consider first stage appeals on their behalf in accordance with TfL guidelines. IAS and TOL communicate their decisions directly with the appellant and provide details of how to make a further appeal.

### **3.2 Second Stage Appeals**

All second stage appeals are considered by an Appeals and Prosecutions Manager in TfL's Compliance Policing and On-Street Services Directorate (CPOS)

Responses to second stage appeals will normally be provided within 21 days of receipt of the appeal. 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.

TfL may request 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.

If an appellant submits a second stage appeal, all previous correspondence with IAS or TOL will be requested by TfL and considered as part of their appeal. The Appeals and Prosecutions Manager reviews each case and considers any mitigation put forward by the appellant. The appellant is then informed of the decision in writing. If the decision is made to turn down the appellant's second stage appeal, they will be provided with details on how to submit a final appeal to the Independent Appeals Panel.



## **3.3 Final Stage Appeals – The Independent Appeals Panel (Panel)**

The third stage of the appeals process is the final opportunity for an individual to make an appeal against a Penalty Fare Notice.

All final stage appeals must be submitted in writing and are considered by the Panel. There is no provision for appellants to attend Panel meetings in person. In the event that an individual is unable to make a written appeal (e.g. due to a disability) the Panel will consult with TfL on an alternative method of appeal.

### 3.3.1 Authority

The Panel will have regard to the TfL Conditions of Carriage, DLR Conditions of Carriage, London Overground Ticketing and Travel Guide, Tramlink Conditions of Travel and National Rail Conditions of Carriage as appropriate, together with the GLA Act (1999). Powers are delegated to the Panel as required to enable it to undertake any activity falling within its remit.

The Panel operates independently of TfL and was established in consultation with London TravelWatch (LTW).

The Panel is registered under the Data Protection Act (1998) and will treat all personal information as private and confidential.

The Panel considers Penalty Fare appeals from London Underground, London Buses, London Overground, Docklands Light Railway, London Tramlink and TfL Rail.

TfL is bound by the decision of the Panel. In this respect, TfL may be required by the Panel to cancel a Penalty Fare Notice and/or refund the payment of a Penalty Fare.

### 3.3.2 Membership

The Panel comprises three persons of suitable standing and relevant expertise for the task. They are wholly independent from TfL, its subsidiaries, contractors, operators and providers.

The Panel members are appointed by TfL in consultation with LTW and may have to commit to between 12-15 days per year.



One of the three Panel members performs the role of Chairperson. The individual performing the role of Chairperson is specifically appointed to that role by TfL. The role of the Chairperson is to direct the proceedings at a Panel hearing and to take principal responsibility for the decisions reached by all three of the Panel members.

An additional reserve Panel member is appointed by TfL to ensure that hearings can be arranged as frequently as required.

The Chairperson may make recommendations to TfL in the appointment of other members.

To avoid conflict of interest, LTW cannot have a role on the IAP.

### 3.3.3 Professional and Administrative Support

The Panel receives all written documents, case papers and summary papers from TfL.

A Secretary to the Panel, employed by TfL, may attend Panel meetings to take minutes, provide the members with all necessary papers and information and subsequently notify the appellants of the results of the deliberations.

TfL personnel may attend to support the Panel and provide professional and technical advice. These personnel and the Secretary have no active role in the decision-making process.

An Appeals and Prosecutions Manager keeps Panel members informed of any changes in working practice or procedure and provides any additional documentation in this respect.

### 3.3.4 Quorum

The Panel will normally be quorate where three members (excluding the Secretary) are present.

However, in the event that one Panel member is unable to attend due to unforeseen circumstances, the Panel may be considered quorate if the absent member has fully reviewed the cases in advance and their written comments have been provided to the Chairperson for consideration.



In all other scenarios, the Chairperson and TfL will reschedule the meeting for an alternative date.

In the event that the Chairperson or any other member of the Panel becomes permanently unavailable TfL would consult with LTW to appoint a replacement.

Where the Chairperson is unable to participate due to illness or other unavoidable circumstances, an ordinary Panel member may be selected by TfL to undertake the role of Chairperson at any one meeting.

### 3.3.5 Frequency of Meetings and Venues

TfL to provide a suitable room for Panel meetings, in a Central London venue.

The date and time of Panel meetings are agreed between the Panel and TfL.

The Panel will normally consider no more than 25 cases at a time.

The frequency of meetings is dictated by the volume of appeals received. The Panel will normally meet at least once a month, with a view to ensuring that appeals are considered in a timely manner.

### 3.3.6 Process and Procedures

Appeals to the Panel must be made in writing to the Secretary of the Panel, stating the grounds for the appeal. Appeals must be received before the deadline specified in the letter, informing the appellant of the decision to turn down their second stage appeal. Any additional information submitted after an original submission has been made will not normally be considered.

The Panel considers all cases where appellants want their case to proceed regardless of the circumstances of the Penalty Fare Notice. The only exception to this rule is cases where the appeal has been received after the deadline. In these circumstances the Panel will not consider the appeal. The Secretary to the Panel will write directly to the appellant informing them of the decision to reject their appeal as being out of time.



## 3.3.7 Decision making

The Panel only considers appeals that have been reviewed through the first and second appeals stages.

If any member of the Panel believes, from the information provided, that they have personal knowledge of the individual, they must declare this to the Chairperson. The Chairperson will then decide whether or not to replace the individual or make a decision without their active participation in the decision-making process.

Decisions are made following consideration of all the evidence and recorded at the end of the meeting by the Secretary to the Panel.

The Chairperson will ensure consistency in panel decision-making across all meetings.

No decision may be made by the Panel simply on the grounds that an otherwise correct and legally sound procedure or process is simply unreasonable. The Panel must work within the relevant TfL regulations, policy and processes.

The Panel only considers material factors and attributes appropriate weight to the claim(s) of the appellant.

Any decision must take the following into account:

- the principles adopted by the TfL operators
- the legal requirements, conditions of carriage and associated regulations
- precedence from previous cases

Appeals will only be upheld if TfL have failed to follow due process or exercise appropriate discretion. This may be due to evidence that was available at the time or evidence that has come to light as part of the appeals process. In this respect, it may be that a Penalty Fare Notice was correctly issued at the time, but consequent information has deemed it suitable for the appeal to be upheld.

The Panel has no powers to make financial awards to appellants.



The Panel can raise issues related to legal matters, conditions of carriage and associated regulations to be pursued independently by TfL. The Panel can also request legal advice from TfL General Counsel if unable to make a clear judgment or decision.

The Chairperson responds to all post- Panel appeal letters through the Secretary. The Chairperson has no power to reverse any decision previously agreed by the Panel.

### 3.3.8 Communications and Reporting

The Secretary to the Panel is required to confirm receipt of every third stage appeal in writing to the appellant. The Secretary is also required to inform the appellant of the Panel's decision within one week of the meeting taking place.

The Secretary provides a case summary for each file and takes minutes of the outcome of every decision. A copy of the minutes is circulated to the Panel and relevant stakeholders in TfL.

The Chairperson compiles a summary of the cases to be heard at each meeting and on the day will note on the summary the Panel's decision in each case adding additional explanatory comments as necessary. This final summary is provided to the Secretary for use as the basis for a response to appellants, for information in the minutes and other official reporting.

The identity of the members of the Panel will remain confidential and only released subject to permission of each individual member.

Media contact will be handled in compliance with TfL's communications policy.

### 3.3.9 Payment

Use of the Panel is free to appellants. The Panel members receive a modest fee for their services at each meeting to cover their attendance time, pre-consideration time and travel expenses.

### 3.3.10 Review

The membership, operation and remit of the Panel will be reviewed annually by an Appeals and Prosecutions Manager in consultation with London TravelWatch.



## 4. Ownership and Review

### 4.1 London TravelWatch

An appeal may be made to London TravelWatch, however, it may be made only on the basis that there has been an alleged abuse of procedure during a specific stage of the appeal process. London TravelWatch will only investigate an appeal if TfL have been given the opportunity to respond to the allegations. Such appeals can be made directly to London TravelWatch at the following address<sup>6</sup>:

London TravelWatch  
Europoint  
5-11 Lavington  
Street  
London  
SE1 0NZ

London TravelWatch has no role in reviewing the particular case decisions of the Panel. The Panel's decision is final.

### 4.2 Policy Owner

This policy is sponsored and owned by the TfL Director of Compliance Policing and On-Street Services (CPOS). This policy will reside with the following TfL official who is responsible for responding to all policy related queries in the first instance:

- Appeals and Prosecutions Manager, CPOS, TfL

### 4.3 Policy Review

This policy will be reviewed periodically to reflect any changes in the law, regulations, byelaws, or any TfL policies in effect at the time. Any amendments will be reflected in the policy and published as appropriate. The key stakeholders listed below will normally be consulted as part of these reviews:

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<sup>6</sup> Further contact details can be found on the London TravelWatch website: [www.londontravelwatch.org.uk](http://www.londontravelwatch.org.uk)

# Transport for London



- Compliance Policing and On-Street Services Directorate (CPOS)
- London Rail (LU, LO, DLR, Trams & TfL Rail)
- Independent Transport Associates UK Ltd. (ITAL)
- The Independent Appeals Panel (Panel)
- London TravelWatch (LTW)

TfL will publish a copy of this policy on its official website and will provide a copy on request in appropriate cases.