

MERSEYRAIL PROSECUTIONS FREQUENTLY ASKED QUESTIONS

Q. If I was stopped and questioned by a Byelaw Enforcement Officer/Ticket Inspector, what happens next?

A. If you were approached by a Byelaw Enforcement Officer/Ticket Inspector and cautioned under the Police and Criminal Evidence Act 1980 (cautioned means that you have been read your rights). The Byelaw Enforcement Officer/Ticket Inspector will use his/her handheld device, recording details obtained from you on the day in question. He/she will then submit a report to the Prosecutions Department at Merseyrail. Here it will be read and a decision will be made based on the facts reported. A letter will then be dispatched showing the date that the alleged offence was committed, and informing you of what you need to do next.

Q. What are my options?

A. If you receive a letter from the Prosecution Department claiming that an offence has been committed, you may be offered an out of court settlement. The penalty is £60.00 for a breach of a byelaw, and £100.00 for a Railway Regulation Act 1889 section 5 offence. The most common penalties are for byelaw 6(8), or feet on seats/seat structure as it is more commonly known, and Railway Regulation Act 5(3a), or travelling without a valid ticket or pass, or the means of payment, (fare evasion) as it more commonly known.

Q. How do I pay?

A. You can pay the penalty by debit/credit card over the phone (the telephone number will be provided within the letter sent to you) or by postal order. Cash will not be accepted. All postal orders are to be made payable to Merseyrail with the back endorsed with your MR reference number (this will be on the letter sent out to you).

Q. Why have I received a summons to attend court?

A. You have received a summons to attend court because you have either failed to pay the out of court settlement, or you have previous convictions for the same offence.

Q. What do I do next?

A. If you fail to pay the out of court settlement before the court date, your case will go through the prosecutions process. If found guilty of a Railway Regulation Act offence, you could face a fine of up to £1000, and additional court costs, or imprisonment of up to three months. If found guilty of a byelaw offence, you could face a fine of up to £220.00, plus additional court costs. You have the right to attend court on the day your case is heard and to plead your case to the magistrates. If you fail to attend court, or give the court notification of your plea, you may be found guilty in your absence.

Q. Will I get a criminal record?

A. If found guilty of a byelaw offence, it may appear on an enhanced CRB check. If found guilty of a Railway Regulation Act offence, then this will show up on any CRB check. If you accept the warning plus Administrative Penalty, then this will not appear on any CRB check.

Q. Can I appeal?

A. If you feel that you did not commit an offence, then you may plead your case to the magistrates on the day that you are summonsed to court. If you have any further questions, or require any more information, please telephone 0151 434 4535, Monday – Friday 0830 – 1600 hrs.