

ATOC Approved Code of Practice

Arrangements for travel ticket irregularities

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1 st Public	May 2013	Final approved copy

Explanatory Note

ATOC produces ATOC Approved Codes of Practice for the information of its members. ATOC is not a regulatory body and compliance with ATOC Approved Codes of Practice is not mandatory.

Code of Practice Status

This document is not intended to create legally binding obligations between train operating companies and should be binding in honour only.

1. Purpose

This document sets out the arrangements agreed by passenger train operators to ensure that ticket irregularities (i.e. when a passenger does not hold a ticket or holds an incorrect ticket for the journey being made) are managed in a structured and consistent way.

2. Scope

This Code of Practice applies to all franchised passenger train operators and Open Access passenger train operators, referred to below as 'train companies'.

3. Related documents

This Code of Practice supports the relevant provisions of railway legislation, including the Regulation of the Railways Act 1889 (as amended); the Railway Byelaws; the Railway (Penalty Fares) Act 1994 (as amended); and the National Rail Conditions of Carriage. It does not alter in any way the provisions contained therein.

4. Principles of the approach to ticket irregularities

The following principles apply to this Code of Practice. Details of how they will be achieved are set out in section 5:

- The purpose of Revenue Protection is to ensure that passengers travel with a valid ticket.
 - The relevant rules and regulations for purchase and use of tickets will be made available during the ticket buying process
 - Where a Penalty Fare may be charged, information will be clearly displayed in accordance with the relevant legislation.
 - At other locations, clear instructions will be provided on how to purchase tickets (including, as appropriate, the requirement to purchase a ticket before boarding or on the train).
 - Where a person is travelling on a ticket that is invalid for the service being used, action will be taken in accordance with the relevant train company's published processes for revenue protection.
 - Staff engaged in the checking of tickets and enforcement of revenue protection are able to exercise discretion in accordance with the duties that they are required to carry out.
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- Such staff will be given training appropriate to these duties.
- Any data collected in connection with revenue protection will be utilised in accordance with the law.

5. Requirements

The aims and objectives of this Code of Practice will be achieved as set out below:

i) Education and enforcement

- a) Each train company undertakes that its revenue protection policies are designed to encourage the correct purchase and use of tickets by passengers.
- b) In connection with this, each train company undertakes that information about the purchase and use of tickets is made available to passengers in a clear and consistent manner. This includes the provision of:
 - Information about the purchase and use of tickets at stations (both TVMs and Ticket Offices) and on websites (as set out in section ii);
 - Information about what to do if there are no ticket purchase facilities at the station (or if they are out of order);
 - Information to purchasers of Railcards about the requirement to carry a valid Railcard when buying and using tickets, and the penalties if this does not happen;
 - Information in accordance with the Penalty Fares regulations at stations and on trains where such Penalty Fares apply

Where a ticket is used incorrectly, due regard will be given to these criteria when assessing what action to take.

- c) Where a member of staff uses discretion, for example, to charge a passenger for an ordinary fare rather than a Penalty Fare, advice will be provided setting out the correct procedure that should have been followed by the passenger.
 - d) Where an additional or excess fare is charged it will be made clear that this is payment for the journey being made (and not a fine or penalty).
 - e) In some cases where an additional charge is not made, details may be recorded. Such data will be used in accordance with section vi.
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ii) Making ticket conditions clear

- a) Whether bought in person, through a ticket vending machine or in advance on a website, train companies are committed to ensuring that the terms and conditions of each product (including discount schemes, where relevant) are made clear so that passengers are able to choose and buy the correct ticket for their journey.
- b) Unless clearly stated otherwise, all channels of purchase are impartial, and will offer advice on the full range of through ticket products offered for the journey and criteria stated by the customer. Where the full range of products is not offered, the point of sale will clearly state in summary what is offered for sale.
- c) Train companies are committed to a programme of improvements in the process of choosing, purchasing and using tickets. These improvements are intended to ensure that passengers are sold the best ticket for their journey and understand the conditions of use. Changes being made include (but are not limited to):
 - Better explanation of ticket types, validity and available routes;
 - Better access to the National Rail Conditions of Carriage
 - Clearer information on tickets
- d) These improvements are designed to underline the commitment to education and assistance as the first line of revenue protection.

iii) Making passenger rights and obligations clear

- a) Train companies will publish their Revenue Protection policies and procedures on their own websites and on the National Rail website, together with this Code of Practice.
 - b) Where a passenger is issued with a Penalty Fare Notice or an Unpaid Fares Notice, this will include details of:
 - The train company taking the action
 - What the passenger is required to do next (including details of how to appeal or dispute the notice)
 - Website and telephone contact details to allow the passenger to access the TOC's revenue protection policy (including the action that may be taken subsequently, and their rights and obligations in connection with this)
 - c) Where a passenger's details are recorded in connection with a travel irregularity but no notice is issued, they will be provided as a minimum with a card stating:
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- The name of the train company taking the details
- Website and telephone contact details to allow the passenger to access the TOC's revenue protection policy (including the action that may be taken subsequently, and their rights and obligations in connection with this)

Responding to a Penalty Fare Notice, Unpaid Fare Notice or other notice in connection with a Ticket Irregularity

- d) Where a Penalty Fare Notice is issued, it will set out the process by which the passenger can, if they wish, appeal the notice; where an Unpaid Fare Notice is issued, it will set out the process by which the passenger can, if they wish, dispute their liability for the fare being charged.
- e) The passenger will have 21 days from receipt to respond to the notice. The response will be considered independently of the issuing person, and will examine the circumstances in conjunction with the applicable rules, considering all material facts, and taking into account whether exceptional discretion should be allowed given the facts presented. Passengers will be informed of the outcome of their appeal in writing.
- f) In some cases, where a passenger's details have been recorded in accordance with c) above, a bill for travel may be sent out at a later date. In such cases the passenger will have 21 days from the receipt of the bill if they wish to dispute the charge; this process will be set out in the bill.

Use of prosecution

- g) Where a train company considers that an offence or offences may have been committed, the right is reserved to prosecute passengers. In such cases, a passenger will be entitled to due notice of the offence(s) alleged and will be given the opportunity to defend themselves in accordance with the law.

iv) Discretion

- a) Use of appropriate discretion is an important part of an effective revenue protection process. Train companies' training policies pay due regard to this in ensuring that staff apply the published rules in a consistent and fair way.
- b) When considering an appeal in relation to a Penalty Fare Notice or a disputed Unpaid Fares Notice, in addition to considering whether the proceedings have been correctly brought, consideration will also be given as to whether there are exceptional grounds for discretion to be applied in an individual case.
- c) Train companies and organisations acting on their behalf are committed to working together to ensure fairness and consistency when taking all circumstances into consideration in connection with ticket irregularities. In
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order to achieve this, train companies review and share internal industry standards in relation to appeals and disputes improve and maintain the integrity of the processes set out in this Code of Practice.

v) Staff training

- a) Train companies will ensure that all staff employed in connection with the checking of tickets and the enforcement of revenue protection measures are adequately trained in the tasks which they are required to carry out. As a minimum this will include:
- The National Rail Conditions of Carriage
 - The Railway Byelaws
 - The relevant terms and conditions of the tickets they are required to check
 - Conflict avoidance
- b) In addition, where staff are required to record evidence that may be later be used in court, they will be trained in the standards required to ensure that it is admissible. This incorporates the requirements of the Police and Criminal Evidence Act.

vi) Use of passengers' personal information

Where personal data (such as names and addresses) is recorded for the purposes of checking tickets and enforcing revenue protection, this will be carried out in compliance with all applicable legislation. Personal data may be retained and used for the purpose of investigating any offences.

6. Review

The effectiveness of the operation of this Approved Code of Practice shall be kept under review by the ATOC Fares & Retail Group (FRG). FRG shall give consideration to any changes to the Approved Code of Practice in accordance with current recognised industry good practice. In undertaking such a review the FRG shall inform all consultees of the outcome.
