

From the Chairman

Tel 020 7726 9985
Fax 020 7726 9999
brian.cooke@londontravelwatch.org.uk

Karen Buck MP
Parliamentary Under Secretary of State
Department for Transport
Great Minister House
76 Marsham Street
London SW1P 4DR

Our Ref:
Your Ref:

10 January 2006

The Public Service Vehicles (Conduct of Drivers, Inspectors, Conductors and Passengers) Regulations 1990

For some considerable time my Committee has been concerned that the above-mentioned Regulations do not reflect the style of bus operation in London. Indeed there is growing evidence that passengers are being prosecuted under one clause of the Regulations without adequate consideration being given to a qualifying clause that might provide them with security.

Our concern relates to the juxtaposition of clauses 7(2) and 7(4).

Under 7(2) (b) passengers on driver-only operated buses are required to pay their fare on boarding the bus. However, 7 (4) provides for the situation where a passenger has failed to comply with that requirement and says that in such circumstances, the passenger shall pay before (s)he leaves the bus unless otherwise agreed by the driver, inspector or conductor.

7(4) seems to undermine London Buses revenue protection efforts and allows passengers who have not paid on boarding to pay an inspector on demand. In practice, however, we are aware of a number of cases where passengers have offered to pay when caught without a ticket only to be issued with either a notice of prosecution, under section 7(2) of these Regulations, or a Penalty Fare under the relevant legislation. In the few cases where the courts have had 7(4) drawn to their attention there is evidence to suggest that some at least of the passengers have either had the case against them withdrawn by TfL or the court has found in the passenger's favour.

This is clearly a very unsatisfactory situation and we believe that a change to the Regulations is urgently needed. The opportunity of such a change should, we believe also be used to ensure that the Regulations properly cater for the operations of cashless buses in London and elsewhere.

I understand that TfL will be writing to your Department shortly indicating that they too support a change to the Regulations.

Brian Cooke