

## Fixed Payment Notice – Clarification Request PAC

6<sup>th</sup> November 2019

Iarnród Éireann does not issue Fixed Payment Notices to people on the basis of an estimate of travel and not actual travel. Fixed Payment Notices for Fare Evasion are issued in accordance with the Railway Safety Act 2005 Part 15 Section 132(2) (a) "Failure to Deliver up a valid Ticket". In summary a passenger who fails to deliver up a valid ticket on a specific date/time when requested by an Authorised Officer will be issued a Fixed Payment Notice. This is separate to a debt which is a civil matter.

On occasion fixed payment notices are issued to person(s) on a specific date/time who deliver up Public Service Free Travel Card / Paper Pass who are no longer entitled to Free Travel. The Authorised Officer may contact the Department of Social Protection Free Travel Section to query the validity of a Free Travel Card/ Pass to be told that the Free Travel entitlements have been withdrawn and may issue the person with a Fixed Payment Notice in accordance with the Railway Safety Act 2005 Section 132(2) (a) "Failure to Deliver up a valid ticket".

Iarnród Éireann Revenue Protection Unit contacted the Department of Social Protection Free Travel Section who advised the date when Free Travel entitlements were withdrawn and the date the customer was informed. In some cases persons have been found to misuse the Public Service Card/Pass Free Travel (FT) to travel on our services without paying for their journey months/years after their Free Travel Entitlements were withdrawn. In this case IE Revenue Protection Unit wrote to the person concerned advising of a debt (not a fixed payment notice), the debt is calculated based on the time period when the Free Travel entitlements were withdrawn to when he was stopped by an Authorised Officer misusing a withdrawn Public Services Card (FT) to travel on our services without payment being made. Correspondence from the customer indicated he had been regularly using the PSC FT Free Travel Card which was withdrawn to travel on our services prior to date the FPN was issued . PSC Free Travel entitles unlimited travel similar to customers who purchase Monthly/Annual tickets. Free Travel entitlement was withdrawn 4 months previous yet customer continued to use withdrawn Free Travel Card without paying for travel. Debt calculated on price of 4 monthly tickets.

**The total number and value of fixed payment notices issued and paid in 2016, 2017, and 2018 are set out below:**

- 2016 10,902 FPNs issued of which 5,708 were paid. Total Amount due €1,371,083. Total Paid €682,038
- 2017 12,509 FPNs issued of which 6,628 were paid. Total Amount due €1,753,817. Total Paid €830,583
- 2018 11,891 FPNs issued of which 6,063 were paid. Total Amount due €1,719,975. Total Paid €766,669

**The measures in place to collect any outstanding amounts due and the number of cases that went to court in 2016, 2017, and 2018 & details of the outcomes of these proceedings**

Failure to deliver up a valid ticket to travel is a criminal offence as set out in Section 132 of the Railway Safety Act 2005 ("the Act of 2005") and Iarnród Éireann is authorised to bring such prosecutions under statute. Section 132 of the Act of 2005 also provides that a passenger who has not paid his fare, shall upon request give the officer his name and address. If he gives a false or misleading name or address, he is guilty of a separate offence under the same section.

Those failing to present an appropriate ticket when asked by a authorised officer to do so are liable to payment of a fixed payment of €100 provided for by the Railway Safety Act 2005 (Fixed Payment Notice) Regulations 2006 (S.I. 576 of 2006). In the event that the fixed payment is not paid, the person can be prosecuted and faces a potential fine not exceeding €1,000 upon conviction.

All persons issued with a Fixed Payment Notice have the right to Appeal which is clearly displayed on the Fixed Payment Notice issued to that person. The outcome of the Appeal is then communicated in writing to the person who made the appeal.

Non Payment of FPN's- If an appeal is unsuccessful, a reminder letter will be issued 14 days after the appeal decision, if payment is not made. A final demand letter seeking payment of the FPN is to be issued 10 days from date of issue (of the reminder letter) if payment is not made. The file may then be passed to our Solicitors for possible prosecution if payment not made.

- 2016 829 Number of cases that went to Court 541 successful convictions
- 2017 897 Number of cases that went to Court 422 successful convictions
- 2018 991 Number of cases that went to Court 576 successful convictions.