

Revenue Protection Policy

Fraud & Revenue Enforcement

June 2026

This version supersedes all earlier versions of this document.

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Introduction

Purpose of this policy

Our Revenue Protection Policy explains the processes we follow to ensure that everyone pays the correct fare for their journey, and explains how that those who do not pay the correct fare are dealt with appropriately, consistently, but fairly. We recognise that on many occasions our customers do not intentionally avoid paying the correct fare, but it is important that everyone pays the correct fare for their journey.

This policy tells you everything you need to know about how we make sure our customers pay the right fare for their journey. It follows the **National Rail Conditions of Travel** (www.nationalrail.co.uk/travel-information/your-rights-and-obligations-as-a-passenger) which details tickets, their purchase and other guidelines for revenue protection across the UK rail network. It contains information about what to expect from us, your responsibilities when you travel and what could happen if you don't travel with a valid ticket. We have specially trained staff whose role is to reduce ticketless travel as well as investigating matters of fraud and deliberate fare evasion.

What this means for our customers

We enforce our Revenue Protection Policy both at stations and on-board our trains. We will make sure that all customers have a valid ticket for the journey they are making. We train all our employees to a high standard in customer service, and we expect them to behave politely and with respect towards all our customers - whatever the circumstances.

We have a Buy Before You Board policy in accordance with the Railway Byelaws (www.gov.uk/government/publications/railway-byelaws). This means that, if either an open ticket office or operational Ticket Vending Machine (TVM) are provided at the station where you start your journey, you **must** have a valid ticket prior to boarding the train.

We issue Penalty Fares in accordance with The Railway (Penalty Fare) Regulations 2018, as amended in 2022 (www.legislation.gov.uk/ukxi/2022/1094/made).

It is your responsibility to arrive at the station with enough time to purchase your ticket.

TransPennine Express also offers the ability to buy your ticket before you arrive at your departure station through our website (www.tpexpress.co.uk) or on your smart phone using any ticket buying app. This will avoid you having to queue at a ticket office or TVM at busy times. If you are using your smart phone or electronic device to buy tickets online, please ensure your ticket is bought, downloaded and activated or collected (where needed), prior to boarding the train.

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It is your responsibility to ensure that you have downloaded your ticket, and any Railcards you may have in a digital format, to your device so they can be shown at any point during the journey, including when you have no data connection. You are also responsible for ensuring your mobile device has sufficient battery life to display your ticket and / or railcard at any time.

Making your journey

It is your responsibility to collect any pre-purchased tickets or to buy a ticket before you board the train. Tickets need to be valid for the date and time of your journey and you must keep hold of them until you exit the station, so they can be inspected by Conductors, Revenue Protection Staff or used in Automatic Ticket Gates.

If you have bought a ticket that has specific restrictions of use (e.g. it is valid only on certain routes; only on trains operated by certain train companies; or is for one specific train only), and/or has a Railcard discount, make sure that you comply with these restrictions and/or have a valid Railcard with you, otherwise your ticket will not be valid.

If you had the opportunity to purchase a valid ticket before boarding, but join the train without a valid ticket; or are unable to show a valid ticket when asked:

If you had the opportunity to purchase a valid ticket before you got on the train but did not do so, or are unable to show a valid ticket when asked, what happens next will depend on which member of staff asks to see your ticket and the specific circumstances of the situation.

If you are spoken to by a Conductor, they will normally sell you a ticket – which will usually be a full price Anytime Single ticket for your journey with no Railcard or other discounts applied.

If you are spoken to by a member of the Revenue Protection Team, they will normally ask you to provide your name, address and date of birth. You are obliged to provide this information under the Railway Byelaws and Penalty Fares Regulations, and it can be a criminal offence not to do so, or to give incorrect details. You will then either:

- be sold a ticket - which will usually be a full price Anytime Single ticket for your journey with no Railcard or other discounts applied; or, if you have previously been spoken to by our Revenue Protection Team -
- be issued with a Penalty Fare Notice (PFN) or Travel Irregularity Report (TIR). You can find more details about PFNs and TIRs later in this document.

In all cases where you are spoken to by our Revenue Protection team your details, and the circumstances of the case, will be recorded and retained on file.

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If you have a ticket, but it is not valid:

Your ticket must be valid for the train you are travelling on.

Your ticket will not be valid if:

- your ticket has a Railcard discount, and you fail to show a valid Railcard when you are using your ticket;
- you need to validate your ticket before boarding the train, and you have not done so;
- your ticket is only valid to travel on a certain train at a specified time, and you are not travelling on the train you are booked to travel on;
- your ticket is only valid to travel with certain train companies or on certain routes, and you not travelling with the correct train company or on the correct route;
- you are aged 16 or over and are using a Child ticket

This list is not exhaustive.

If the ticket you are using is not valid for the train you are travelling on, what happens next will depend on which member of staff asks to see your ticket and the specific circumstances of the situation.

If you are spoken to by a Conductor, they will normally require you to purchase a new ticket, as though you had no ticket in the first place. This will usually be a full price Anytime Single ticket for your journey with no Railcard or other discounts applied.

If you are spoken to by a member of the Revenue Protection Team, they will normally ask you to provide your name, address and date of birth. You are obliged to provide this information under the Railway Byelaws and Penalty Fares Regulations, and it can be a criminal offence not to do so, or to give incorrect details. You will then either:

- be sold a new ticket - which will usually be a full price Anytime Single ticket for your journey with no Railcard or other discounts applied; or, depending on the circumstances,
- be issued with a Penalty Fare Notice (PFN) or Travel Irregularity Report (TIR). You can find more details about PFNs and TIRs later in this document.

If your ticket should be accompanied by a Railcard (*which includes any other type of discount card or pass which entitles you to a discount on your fare, for example, a West Yorkshire Under 19 MCard or a Concessionary Travel Pass issued by a Local Authority*) and you are unable to present a valid Railcard at the same time as your ticket, our Revenue Protection Team will normally issue a Travel Irregularity Report (TIR) - this will give you 21 days to produce your Railcard to us, or provide us with an explanation as to why you were travelling without a valid Railcard. If you do produce your Railcard, and it was valid on the date that the journey was made, no further action will be taken. If you are subsequently unable to show a valid Railcard, we will consider your explanation when deciding how to proceed.

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In accordance with the Conditions of Travel we will generally only afford you the opportunity to show your Railcard after the time of travel once per 12 month period. If you have been issued with a TIR for travelling without a valid Railcard, and you fail to produce a valid Railcard on a second or subsequent occasion, then you may be charged a Penalty Fare or reported for prosecution.

In all cases where you are spoken to by our Revenue Protection team your details, and the circumstances of the case, will be recorded and retained on file.

In some cases where you hold an invalid ticket our staff may be able to Excess your fare. This would normally be the difference between the fare you have paid and the new correct ticket price. This is only available with certain ticket types and in certain circumstances.

It is important to note that, in accordance with the National Rail Conditions of Travel, if you board the train without a valid ticket, except in certain circumstances, there is no automatic right for you to be dealt with in a certain way. Our staff will, however, always assess the particular circumstances of each case before deciding how to proceed.

If you board a train without a valid ticket, and you cannot or will not pay for a valid ticket when asked:

If you:

- Board the train without a ticket; or
- Have a ticket that is not valid

And either:

- Have no means to pay for a valid ticket; or
- Refuse to pay for a valid ticket

Then we will either:

- give you an Unpaid Fare Notice (UFN); or, depending on the circumstances,
- issue you with a Penalty Fare (PFN); or
- report you for consideration of prosecution by issuing a Travel Irregularity Report (TIR).

On the first occasion you come to the attention of our Revenue Protection Team we will normally issue a UFN. We will normally reserve PFNs and TIRs for second or subsequent occasions. However, we may issue a PFN or TIR on the first occasion you come to our attention if we have reason to believe there has been a deliberate attempt to avoid paying the correct fare.

What if I was unable to purchase a ticket before boarding the train?

Most stations that we call at have a ticket office and at least one Ticket Vending Machine (TVM). You need to make sure you have a valid ticket before boarding the train if either of these are available at the station where you start your journey, irrespective of how you actually purchase your ticket (*this means that, even if you are choosing to purchase your ticket via a mobile app on your device, it is still a legal requirement for you to hold a valid ticket prior to boarding the train, if the station where you started your journey had a ticket office or TVM available*).

However, you can buy your ticket on board, and get any Railcard discounts that apply, if any of the following apply at the station where you start your journey;

1. the station has no ticket office or TVM;
2. the ticket office is closed and the TVM is not working;
3. the ticket office is closed and the TVM doesn't sell the ticket you want;
4. the ticket office is closed and the TVM only accepts payment by card and you want to pay by cash; or
5. you cannot use the ticket office or ticket machine as a result of a disability.

What if I have forgotten my season ticket or photocard?

If you have forgotten your season ticket or photocard (where one is required), you should buy a ticket to cover your journey before getting on the train.

If you get on the train without a valid ticket, then you will be treated as having joined the train without a valid ticket, and the process above on Page 4 will apply.

However, you can apply within 21 days for a refund on the additional ticket you are required to purchase, or apply to have the PFN / UFN / TIR cancelled. A maximum of two such claims per customer will be considered in any 12-month period regardless of the number of Season Tickets bought during that time.

Applications for Refunds for any additional ticket you have purchased must be made via our Customer Services Team, and details of how to appeal and cancel the PFN / UFN / TIR will be shown on the Notice you are given or are shown on page 8 onwards.

Lost or forgotten ticket or defective mobile phone.

It is the ticket, and no other documentation (*for example a receipt or booking confirmation*), which gives you the right to travel. It is your responsibility to keep your ticket safe and have it available for inspection at all times.

If you have a digital ticket stored on your device, it is your responsibility to a) make sure you have downloaded the ticket to your device so it can be shown when you have no data connection; and b) make sure that your device has sufficient battery and is working at all times so that you can show your ticket when asked.

If you are unable to show a ticket when asked, then you will be treated as having joined the train without a valid ticket, and the process on Page 4 will apply.

What is an Unpaid Fare Notice (UFN)?

This is a travel document showing details of the journey and the fare which should have been paid. This gives you permission to travel and pay the fare within 21 days. You will be given a copy of this notice, and it summarises all the relevant information. The member of staff who issues this will also explain this in more detail, and answer any questions you may have.

A UFN makes no extra charge or penalty in the first instance. The outstanding amount owed, shown on the UFN, is only the correct (or additional) fare for the actual journey that has been made. Simply, the passenger has made a journey and now has a bill to pay because a valid ticket was not available for inspection when they travelled.

Please note that there is no automatic right to be given an Unpaid Fare Notice, and if you have previously been issued a UFN, or the circumstances of the situation warrant it, we may issue a PFN or TIR instead.

Do I need to pay it immediately?

You have 21 days from the date of issue to pay an Unpaid Fare Notice. If you don't pay in 21 days, we will send you a reminder letter. We will send you a further reminder letter if the amount owed is not paid within a further 14 days. In accordance with the National Rail Conditions of Travel, we are entitled to recover from you a contribution towards the costs we incur in handling the matter. If you continue to avoid payment of the fare owed, then we may take legal proceedings against you. There's more about this on page 12.

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How do I pay my UFN?

You can pay your Unpaid Fare Notice in two ways:

- Online at www.tpexpress.co.uk/paymynotice; or
- You can pay by Postal Order made payable to TransPennine Trains Ltd. Write the Unpaid Fare Notice reference number on the back of the postal order and post your payment to: TPE Revenue Enforcement, PO Box 908, York, YO1 0DX

Please note we do not accept payment by Cheque or Cash, and payment cannot be made over the phone or at a station.

How to appeal

You can appeal against your UFN. You must appeal within 21 days of the date on which it was issued. Appeals must be made in writing.

You can make your appeal online by using our contact form which can be found at:
www.tpexpress.co.uk/rpp

Alternatively, if you are unable to contact us online, you can send us a letter, to:
TPE Revenue Enforcement, PO Box 908, York, YO1 0DX

We will consider your appeal based on the facts of the case, and in accordance with the National Rail Conditions of Travel.

What is a Penalty Fare Notice (PFN)?

A Penalty Fare Notice means you'll have to pay £100, reduced to £50 if paid within 21 days, **PLUS** the full single fare applicable for the journey in question.

Please note that there is no automatic right to be given a Penalty Fare Notice, and if you have previously been issued a PFN, or the circumstances of the situation warrant it, we may issue a TIR instead.

Do I need to pay it immediately?

You have 21 days from the day after the date of issue to pay a PFN.

If you don't pay within this time, the PFN will increase from £50 plus the fare for the journey made to £100 plus the fare for the journey made.

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We will send you a reminder after 21 days and give you another 14 days to pay. If you don't pay the Penalty Fare after the extra 14 days, then we may take legal proceedings against you. There's more about this on page 12.

How to pay

You can pay your Penalty Fare Notice in two ways:

- Online at www.tpexpress.co.uk/paymynotice; or
- You can pay by Postal Order made payable to TransPennine Trains Ltd. Write the Penalty Fare Notice reference number on the back of the postal order and post your payment to:
TPE Revenue Enforcement, PO Box 908, York, YO1 0DX

Please note we do not accept payment by Cheque or Cash, and payment cannot be made over the phone or at a station.

How to appeal

Although we issue and manage PFNs, the appeals service is external and independent from TransPennine Express and is managed by Penalty Services Limited (PSL). This ensures that all appeals are dealt with by an independent third party ensuring they are handled impartially and fairly.

If you want to appeal against the PFN, you need to send a written appeal to PSL within 21 days of the date you got your notice. It should include details of:

- why you couldn't show a valid ticket or authority to travel when we asked you;
- the station you started your journey;
- the time and date of your trip;
- any other information relevant to your appeal.

In accordance with the Penalty Fares regulations, the grounds for your appeal must be for one of the following four reasons:

- The penalty fare was not charged in accordance with the Penalty Fare Regulations;
- You are not the person liable for the payment of the penalty fare;
- You own a season ticket valid for the journey in question, but were not in possession of the season ticket at the time the penalty fare was charged;
- There are compelling reasons why, in the particular circumstances of the case, you should not be liable to pay the penalty fare.

This will "stop the clock" until the appeal outcome has been decided. If an appeal is not upheld, you will have 14 days to re-appeal or pay the Penalty Fare.

PSL manage all 3 stages of the appeal process, however the third stage appeal is heard by someone independent from stages 1 and 2.

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You can submit your appeal in two ways:

- Online at: www.penaltyservices.co.uk
- By Post: Penalty Services Limited, 12 Deben Mill Business Centre, Old Maltings Approach, Woodbridge, IP12 1BL

What is a Travel Irregularity Report (TIR)?

A TIR may be issued if you are unable to produce a valid ticket for your journey, the reference for this will start with TPETIR. This report allows our team to take some details from you in order for our Fraud and Revenue Enforcement Department to investigate the matter and subsequently contact you.

A TIR can be issued for any matter when we consider there has been a breach of Railway Laws and Regulations. This includes (but is not limited to):

- Failing to purchase a ticket before boarding the train
- Travelling beyond the destination on the ticket
- Altering documents
- Forged documents
- Providing false details
- Refusing to provide details
- You are an adult aged 16 and above, using a Child ticket.
- You are unable to show a valid ticket when requested
- Failure to show a valid Railcard or other identification required to validate a ticket
- Anti-Social and Disorderly behaviour
- Abusive language/ behaviour

A TIR will normally allow you to complete the journey you are making and will act in lieu of a valid ticket.

What will happen next?

Once the member of staff has issued the TIR you should expect to receive a letter in the post. We normally aim to send this within 21 days, however if your case requires further investigation before we write to you, this may take longer.

Receiving a TIR does not automatically mean you will be asked to pay any additional sums, nor does it mean you will automatically be prosecuted. A TIR simply allows our back office team to review the report made by our colleague, ask you for information surrounding the report, and then review all information before deciding how to proceed. Our back office teams have access to more information and data than our colleagues working across the network, and can

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therefore make more detailed investigations than can be made on the train or station on the day of travel. In many cases you may not need to pay anything at all. Make sure you look out for our letters, or you can contact us using the details on page 15.

Do I have to provide my personal details to you?

Yes. If we have reason to believe you have contravened the Railway Byelaws, or any other relevant legislation, it is a legal requirement to provide your correct name and address to an authorised member of railway staff if you are requested to do so. Furthermore, it can also be a legal requirement to provide your Date of Birth in some circumstances too.

If you fail to provide your details when requested, or you give false details, then you could be committing a criminal offence, and we may request the assistance of the British Transport Police.

Will I have to go to Court?

We prefer to resolve matters without the need to go to Court, as TransPennine Express realises that a prosecution and a criminal conviction can have a serious effect on your personal and professional life.

We regard Court proceedings as a “last resort”, so we will always seek to resolve matters without the need to refer the matter to Court, where the circumstances of the offence and the offender are appropriate. Resolution prior to Court will not result in a criminal conviction.

In the first instance, we will always contact you and do all we can to resolve any matter that is reported to us, where the circumstances of the offence are appropriate. We will always give you opportunities to engage with us to ensure that outstanding fare(s) can be paid, and we will send you a reminder of the amounts you owe. It is in everyone’s interests to avoid going to Court wherever possible.

However, if you fail to engage with us; fail to pay the amount you owe; or we believe that we have evidence to suggest that you were deliberately attempting to avoid paying the correct fare (*for example you were using an altered railcard or ticket*); then we reserve the right to take legal action without warning.

It should be remembered that most offences on the Railway are considered as Criminal offences, and if you are found (or plead) guilty at Court then you may receive a criminal record.

We may consider prosecuting those persons alleged to have committed offences contrary to:

- The 2005 Railway Byelaws made pursuant to the Transport Act 2000 (www.gov.uk/government/publications/railway-byelaws);

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- The Regulation of Railways Act 1889 (www.legislation.gov.uk/ukpga/Vict/52-53/57/section/5);
- The Fraud Act 2006 (www.legislation.gov.uk/ukpga/2006/35/contents).

What happens if we take you to Court?

In most cases we will use the Single Justice Procedure (SJP) to process the matter through Court. We will provide details of this process to you in writing when the matter is assigned to a Magistrate's Court.

If we cannot process the matter via the SJP route, or you elect to go to a trial, the matter will be referred to a full court.

In either case you will receive Court documentation in the post before the date of your case being heard in Court. This will give you all the information you need about the Court process. If you do receive Court documentation from us then it is important that you read it all and act upon the instructions contained in the documentation. If you do not then your case may be heard without you and you may be found guilty and sentenced in your absence.

The maximum sentences for not paying your fare

If you're found guilty in Court, you'll get a sentence from the magistrates and receive a criminal conviction.

- If you're found guilty under the Railway Byelaws, the maximum penalty is a fine of up to £1,000.
- If you're found guilty under the Regulation of Railways Act, the maximum penalty is a fine of up to £1,000, or, for second and subsequent offences, in the discretion of the court, up to three months in prison.
- If you're found guilty under the Fraud Act 2006, the maximum penalty is a fine and/or up to ten years in prison.

Please remember, these are the *maximum* sentences you can get. You may also have to pay other charges if they apply to your offence. For example, a Victim Surcharge and Court Costs.

Whenever we go to Court, we claim compensation for the unpaid rail fare (if applicable), as well as the cost of going to Court. This is to make sure our fare-paying customers are not affected by the costs of tackling fare evasion. If our claim is successful, the Court may ask you to pay our costs.

What do I do if I am unhappy with your response at any part of the process?

If you are unhappy with our response to you at any stage of the procedures outlined above, then you have the right to refer your case in writing to the Rail Ombudsman. They are an independent Government organisation set up by Parliament to consider unresolved complaints between customers and rail operators which may be able to take the matter up. Their contact details are:

- Tel: 0330 094 0362
- Online at: www.railombudsman.org/making-a-complaint/start-a-complaint/
- By Post: Rail Ombudsman, 1st Floor Premier House, Argyle Way, Stevenage, Hertfordshire, SG1 2AD

What can I do if I feel I have not been treated politely and with respect?

If, at any stage of any of the procedures outlined above, you are not satisfied with the behaviour of any member of our staff, you should contact our Customer Relations team.

- Phone: 0345 600 1671
- Email: tpecustomer.relations@tpexpress.co.uk
- Post: Customer Relations, TransPennine Trains Limited, Freepost ADMAIL 3878, Manchester, M1 9YB

Members of the Customer Relations team can only deal with complaints about behaviour and cannot comment or deal with appeals relating to UFNs / PFNs / TIRs.

Parking in our station car parks

You can find all information relating to car parking at our stations at www.tpexpress.co.uk/parking.

In respect of car parking, we adhere to the private parking sector single Code of Practice.

Help and Advice

If you are struggling to make any payments we have requested from you, you may wish to seek free, independent, support and advice. You can contact the following (and other) organisations:

Citizens Advice: <https://www.citizensadvice.org.uk/> or 0800 144 8848

National Debtline: <https://nationaldebtline.org/> or 0800 808 4000

StepChange Debt Charity: <https://www.stepchange.org/> or 0800 138 1111

Calls to these numbers are free.

If you need someone to speak on your behalf in relation to the matter, then these organisations may also be able to offer support for this.

If you need to contact us about a UFN, PFN or TIR

All appeals and other contacts must be in writing.

The online contact form at www.tpexpress.co.uk/rpp is the quickest and easiest way for us to handle your contact.

If you have a disability which means you are unable to use our online contact form, there are two other ways you can contact us:

You can write to us at: TPE Revenue Enforcement, PO Box 908, York, YO1 0DX

You can call us on: 020 4635 3571 between 1000 – 1500 Monday to Friday. All calls may be recorded for training and monitoring purposes. Our teams deserve to be treated with respect. We will not tolerate abusive, threatening, or aggressive language of any kind, and your call will be terminated without warning if you choose to use such language.

Please note that we cannot take payments over the phone.

Privacy Policy

In accordance with data protection laws and our legitimate interests, we will record any incident relating to a ticket or travel irregularity, and your personal details, which will be kept on file. For more information on how we process your data, please refer to our Privacy Policy at <https://www.tpexpress.co.uk/privacy-policy>

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