



Passenger perspectives on fare evasion and revenue protection

[Fare Evasion and Revenue Protection - what do passengers think? - Transport Focus](#)

Louise Coward & Sharon Hedges

Fare paying passengers have not given the topic of fare evasion much thought, but it is generally agreed to be wrong

They are aware that it happens and many have seen examples, but few have a view on its prevalence

Most fare paying passengers' initial reference point for fare evasion are obvious examples— jumping or barging through ticket barriers

General agreement that fare evasion is defined as a deliberate intention to avoid buying a ticket (or deliberately and knowingly buying the wrong ticket)

- With this definition there is a **strong consensus that fare evasion is wrong** (and even many fare evaders agree)
- Most (non-fare evaders) see **fare evasion as a crime** comparable with something like shoplifting
- A deliberate attempt to get something for nothing, but not a crime against an individual and not something that endangers others, as for example speeding

"It's not big theft, but if in a shop someone went and nicked something, and you're there in a queue waiting to pay for it - it's kind of that feeling that other people are just getting away with it and it's not ideal. At the end of the day services are what you pay for. Other people are paying for it, and they're working hard for it. And then you've got people that jump on, and don't pay for it."

London, Shorter, Frequent, 18 - 30

"I can imagine it probably is a problem. I mean, just anecdotally, I know a lot of my friends have done it."

London, Shorter, Frequent, 18 - 30

Most fare payers accept the railway's definition of liability

Most passengers initially see the definition of liability as perhaps stricter than anticipated but not unreasonable

- Not all are aware that fare evasion is a criminal offence
- The exceptions to travelling without a ticket are accepted

Some concern about liability applying to passengers *inadvertently* travelling without a ticket

- Raises the possibility of 'honest mistakes' being treated overly harshly
- But the counter argument is also advanced
 - Is it possible for the railway to judge what constitutes an honest mistake?
 - Some will inevitably take advantage if the railway makes allowances for passengers inadvertently evading their fare

Many agree that it is perfectly fair to expect individuals to take personal responsibility for ensuring they have the correct ticket

Fare evasion on the railway, is a criminal offence whether **deliberately or inadvertently**. The **onus on the passenger to have with them (and be able to produce on demand) a valid ticket** or other form of authority to travel for the train they are on. The only exceptions are:

- where there are **no facilities** to buy a ticket before boarding
- if **the train company advertises that you can buy one on board** or,
- if **a member of staff has given permission** for passengers to travel without a valid ticket.

Apart from these instances, **liability rests with the passenger**. The rail industry does not have to prove that you set out to evade payment, nor consider why you did not, or could not, buy a ticket.

"I think the only example that's justifiable to let someone off is if they have lost or forgotten their Railcard because they can always send a photocopy of that to the authorities. The rest of them I consider to be - if not deliberate - careless on the part of the passenger, which they should accept liability for."

London, Longer, Infrequent, 31 – 50

Deliberate Fare Evasion seems obviously wrong and as deserving punishment, but there are some mitigating factors

These fit with passengers' initial definition of fare evasion: *deliberate* intention to avoid buying a ticket (or *deliberately and knowingly* buying the wrong ticket)

While such behaviour is seen as wrong, there is a spectrum of opinion about the perceived seriousness of different fare evasion incidents

- Opportunistically dodging a small fare for a local journey versus a sustained and planned long-term fraud (and an expectation that the response of the railway should be proportionate)
- Extreme situations such as someone genuinely without funds needing to board a train for safety reasons, might be justified

While not excusing deliberate fare evasion, some argue the behaviour of the railway contributes to the problem

- Very high fares and poor service are seen as potentially 'encouraging' fare evasion
- Some argue that because of very high fares individuals might be 'forced' to evade their fares because of cost of living pressures
- Similarly, lack of enforcement of revenue collection may make fare evasion more likely



"I think it makes it a bit more understandable when the service from the train company is really poor, like the amount of times that I've been on journeys that have been severely delayed or they've oversold tickets and there's no seats for a 45-minute journey. It just feels like, 'Why would I bother paying when I'm not even getting value from that ticket?'"

London, Longer, Infrequent, 31 - 50

Mistakes with no loss for the railway should not be treated as fare evasion

- Where a passenger has made a mistake that fits the 'technical' definition of fare evasion, but which does not involve any loss for the railway
- If no intent and where there is no harm to the railway, these cases are not seen as fare evasion. Forgotten/ lost Railcards, travelling on a train that wasn't the booked service (but priced as per the booked service) and lost tickets where there is proof of purchase are seen as falling into this category
- Even though the passenger is at fault, few see justification for 'punishment'
- For Railcard errors, many suggest people should be charged the full fare, but with a refund after proof of ownership. This would fairly protect the interests of both the Railway and the passenger.
 - Often argued that Railcard issues should be resolved by technology i.e. an accessible database. Charging a nominal fee (£5 or £10) to cover admin costs would be seen as reasonable by some
- Passengers acknowledge that fraud could potentially be involved in cases of lost tickets with proof of purchase (e.g. giving away the 'lost' ticket)
 - However, having proof of purchase is generally seen as signalling no intentional deception - in other contexts (e.g. retail) proof of purchase is accepted

Example: Scenario A

The passenger bought a ticket with a Railcard reduction but left the Railcard at home when travelling; despite paying the difference on the train he was sent a letter warning about criminal prosecution. He replied enclosing proof that he had a valid Railcard at the time but was still sent a further letter threatening criminal prosecution unless he paid an additional £229. The train company acknowledged that he had a Railcard and that there was no fraud involved but this simply did not matter – his 'crime' was that he could not produce a valid ticket at the time of the ticket check.

"I don't agree with this at all. They've made a mistake and they've settled it, but even after proving they have the Railcard, they've ended up paying even more, some people can be struggling and this financial situation could be quite detrimental to them and I just think that if they've shown they have a Railcard, they haven't caused harm and they have paid the difference."

West Mids., Shorter, Frequent, 18 - 30

"They should have a database that they can check a person's name on...like I have physical and digital cards on my phone but what happens if you lose your stuff? It seems like British Rail needs to up their game on the digital side of things rather than blame the passengers, I think."

London, Longer, Infrequent, 31 - 50

Less clear on (possible) mistakes that may involve loss for the railway

- These are instances where the railway suffers loss, but which might (or might not) be a genuine mistake
- For passengers, these may or may not be fare evasion, depending on intent
- Getting on the 'wrong' (unbooked) train/ having the wrong ticket for the service travelling on etc., are seen as falling into this category
- Passengers see intentional fraud undoubtedly plays a part in some of these cases
- But many argue that the railway contributes to the problem and as such, passengers often (perhaps mostly) deserve the benefit of the doubt.
 - Complicated and counter-intuitive fares, organisational structures that are hard to understand (e.g. different TOCs), and inconsistent rules (e.g. when it is permissible to buy ticket on the train) all have the potential to catch people out

"I think it can be accident. Like it can be easy to make a mistake with, for example, the off peak and on peak. That's not intentional, but it can happen. And obviously I think if you're buying a child ticket and you're an adult etc. that is different. But I do think there are times when it's not done on purpose."

West Mids., Shorter, Frequent, 50+

"I try and buy my tickets in advance to get a cheaper fare and so I feel like if I had made an honest mistake and then was charged the full fare on that day, I'd be so upset because I've tried to buy the cheapest fare possible in an honest way and then you know that ticket to London could be over £100 on the day."

Northwest, Longer, Infrequent, 18 - 30

£107 LNER 'penalty' ... for getting on wrong train by mistake

It pulled in five minutes earlier, on the same platform, going to the same destination



The ticket was for Hull Trains ... but an LNER train departed from the same place, to the same destination.. Photograph: Robert Stainforth/Alamy

"I think getting on the wrong train is incredibly easy to do, depending what station you're at and whether there's multiple things going through and for somebody to be fined because they've made a mistake and then on appeal for it not to be allowed. I personally think that's incredibly harsh."

East Anglia, Shorter, Infrequent, 31 - 50

Fare evaders' views on fare evasion share many similarities with those of fare payers

- Fare evaders have rarely considered the subject before and while some justify their behaviour on the grounds that 'everyone does it' few have any firm views on its prevalence
- For the most part it seems to be a solitary activity
 - Indeed, even habitual evaders often reported paying for their fare when travelling with others
 - Most started opportunistically (or even by accident) but having succeeded once, tend to repeat it and become more calculated
- Fare evaders have typically mastered a successful 'technique' that they use repeatedly, often on the same route/ journey
- While accepting different degrees of responsibility for the behaviour, they often agree it is a victimless crime, or even that the 'victim' (railway), deserves it!
- Possibly similar to shoplifting from a large supermarket, but not a corner shop
- As with other passengers, fare evaders see fare evasion falling into different categories with different degrees of culpability on the part of the passenger

"I don't do it when I'm with the kids, you know. I feel I have to set an example then."

Fare Evader, West Mids., Shorter, Frequent

"I suppose it is wrong but really, these train companies are just huge corporations, and the cost of tickets is just outrageous and I pay a lot of the time, but I know on that route there's nobody to check, so I think, 'Why not? They've had a drink on me, so I'm going to have a drink on them.'"

Fare Evader, North West, Longer, Infrequent

"It would be mainly knowing where there's barriers, but also knowing where to sit in a particular location in the carriage where you can see if someone's coming. What I used to do quite frequently was have the ticket basically ready to buy in case I needed it. If no conductor came, I just wouldn't buy the ticket, so you have that literally ready on the app ready to go and then if you see a conductor come in."

Fare Evader, East Anglia, Shorter, Frequent

Many (fare payers and fare evaders) have personal experience of being found without a ticket or with the wrong ticket

- Usually what fare payers identified as the 'grey area' of honest mistakes (though some admitted deliberately dodging fares, usually when younger)
 - Perhaps inconsistent application of rules - can you buy a ticket on board or not
 - In other cases, passengers blame the error on a complicated / illogical fare system or confusing 'T&Cs' meaning they had inadvertently bought an incorrect ticket or travelled on the wrong train
- Experience is often upsetting, even when staff handle fairly/ sympathetically
- Most accept that they were at fault, but many argue that while they were 'technically' in breach of the rules, their 'offence' does **not align with general principles of fairness**
 - **feel their integrity is being unjustly questioned**, leaving them embarrassed or affronted
 - They are also often annoyed at having been '**caught out**' by what they see as **unnecessarily convoluted railway rules**
- An element of post-rationalisation and self-justification in some passengers' accounts, it is clear that many feel they have been unfairly treated

"I would say there is a general lack of humanity. They're making it difficult for people to travel. It's difficult to buy tickets and if you genuinely make a mistake, you're penalised for it."

Digitally Excluded, London. Shorter, Infrequent

"My phone died on the train from Sheffield once. The tickets and my card were also on my phone and the ticket inspector at the gate had scanned my ticket before it died on the train. The man at the gate was like, 'You need to buy a new ticket.' And I was like, 'Well my card's on my phone and my phone's dead.' And he was like, 'Well, you can't go through.' And I was like, 'Well, I don't really understand how I'm meant to solve this problem?' Luckily the train guy walked past who had scanned my ticket initially, so he let me through in the end. But I was just like, 'How am I going to resolve this issue?'"

North West, Longer, Infrequent, 18 - 30

General feeling fare evasion is handled appropriately by staff

Even if not experienced personally, almost all passengers had seen fare evasion incidents

On balance staff behave reasonably and fairly. (Even fare evaders who have been caught feel that staff are 'only doing their job')

- But examples of **staff being overly-harsh/ unsympathetic**, particularly for 'mistakes' area of fare evasion where passengers may deserve the benefit of the doubt
- **Inconsistent behaviour by staff** can also rankle e.g. being told one thing by station staff and another on train

Passengers accept staff have a challenging job with difficult judgement calls and there is sympathy for staff who are faced with belligerent passengers.

- Staff mostly get it right but there **concerns about rules being applied inconsistently** and worries about **disproportionate consequences for 'honest mistakes'**
- Some argue that there **should be a standardised approach** for staff to deal with passengers found with no/ the wrong ticket, but with a higher body to adjudicate guilt/ penalties beyond this
 - Argued that an approach like this would ensure greater consistency and remove the 'heat' from customer-staff interactions

"There was a lady with a couple of children who had just bought a ticket and the guy questioned her saying, 'You've bought a ticket using your Railcard. I need to see the Railcard.' and she refused to show it to him. And I was kind of thinking, 'OK, yeah, she might have tried to get away with something.' But then I was thinking, 'The kids!' Like, she's obviously done it because she's, maybe a little bit desperate. She's paid something. She has bought a ticket. And maybe you know to just sort of use a bit of discretion and maybe in that kind of sense, sort of let her off with a warning."

Digitally Excluded, London,
Longer, Infrequent

Fare paying passengers generally agree with the principle of the Penalty Fare

- Most passengers (fare payers and evaders) are aware of Penalty Fares, but are vague about the level of penalty (and the recent increase) and when it applies
 - A few think that simply paying the full fare is the only penalty
- No clear consensus about the effectiveness of Penalty Fares
 - Most see the increase to £100 as appropriate and **some argue for a much higher level**
 - Others fear that **it may be disproportionate** to the offence, particularly where honest mistakes might be involved
 - Some suggest the penalty should be proportionate to the level of fare evaded and/ or to the resources of the individual fare evader
- For many fare evaders, the level of the penalty is a secondary consideration to the likelihood of getting caught
 - Belief **they are unlikely to get caught**, so the penalty has limited deterrent effect, with some arguing that even a much higher penalty would make little difference. Often **view Penalty Fares as an 'occupational hazard'**
 - Others take a more utilitarian view, weighing up the level of the penalty against the amount of fare evaded. As such, they concede that **a higher penalty could be a deterrent**, but again set against the probability of detection and enforcement

The Penalty Fare is £100 plus the price of the full single fare applicable for your intended journey. However, **if it is paid within 21 days, the Penalty Fare is reduced to £50** plus the price of the single fare applicable. **The Penalty Fare was recently increased from £20.**

"I think it's only good if it's enforced. If it's not enforced, what is the point? Because people are still going to keep fare evading - it doesn't matter if it's £20, £100, £1,000, It doesn't matter because it's never enforced, so I don't think the increase necessarily matters. And because people who take the train the same way all the time, they're aware of the journeys, they know what they can and can't get away with."

Fare Evader, London, Shorter, Infrequent

"I think it might have a small effect, but I think that people that can't afford the train, I don't think it really matters to them. I think majority of people don't really think about the fine. They care more about the fact that they can't afford the fare."

North West, Longer, Infrequent, 18 - 30

What passengers observe of revenue protection measures is not always reassuring

- Fare evaders often use the absence of revenue protection measures to post-rationalise their behaviour, but fare paying passengers are also often dismayed by the lack of (or inconsistent application of) steps to collect fares
- Passengers understand they may not be aware of all the steps the railway takes regarding fare evasion, but **what they see is often discouraging**
 - **Focus tends to be on the obvious manifestations of security: gates and staff.** Gates left open and/ or no staff to check tickets on trains or at stations, particularly at smaller rural/ suburban stations and routes
 - Some feel **frustrated that rail staff are not proactive enough** ('gate-jumpers', confronting football crowds) but most consider the potential dangers for staff
- While not excusing fare evasion, **many see lack of security as likely to tempt** those inclined not to pay and **illustrating a lack of will by the railway** to tackle the problem
- A lack of staff is a key issue for many respondents
- Passengers see that for safety reasons gates must be left open at times, but suggest that **more staff at stations and/ or trains would reduce fare evasion**
- Also often argued that **staff presence would help minimise the risk of honest mistakes** occurring when people are buying a ticket or starting their journey
- Passengers understand there are resource constraints on staffing stations, but wonder if railway therefore treats **fare evasion as just an (acceptable) business overhead**

"Yeah, I think 100% if you had to jump the barriers rather than walk through open gates, there would be less fare evasion...you're more likely to buy a ticket because at the end of the day, you know you're going to be stopped."

West Mids., Shorter, Frequent, 18 - 30

"The train company needs to put more staff around to watch people going through the train barriers. I don't think it's difficult. Sometimes there's no one there, sometimes no staff at all. Sometimes I even see the barriers are completely open, and no staff around. It's so easy for people to just pass through without a ticket."

Digitally Excluded, London, Shorter, Infrequent

There is no clear consensus about the impact that fare evasion has on the railway

Passengers believe the railway has a responsibility to protect revenues but often argue other issues are higher priority

"It kind of creates an unlawful situation, where people just kind of do what they want. Which I guess on the face of it financially, is frustrating for people that do pay. I guess it's frustrating for train companies. But then it also creates, you know, a safety issue thing where people are running around stations trying to dodge the ticket barrier workers."

Digitally Excluded, West Mids., Shorter, Infrequent

"Maybe you need to revisit the prices of your fares. Like the reason why so many people do it is because they just can't justify paying the ticket prices. Some people really struggle and maybe the only way for them to get to work is by paying an incorrect fare or even just not paying at all. I think of course people do it without a justified reason - but I think especially given the cost-of-living crisis and every year the train fares are getting higher and higher, maybe a question for those companies to ask themselves is why is it increasing when fare evasion rates are going up."

Fare Evader, North West, Infrequent, Longer

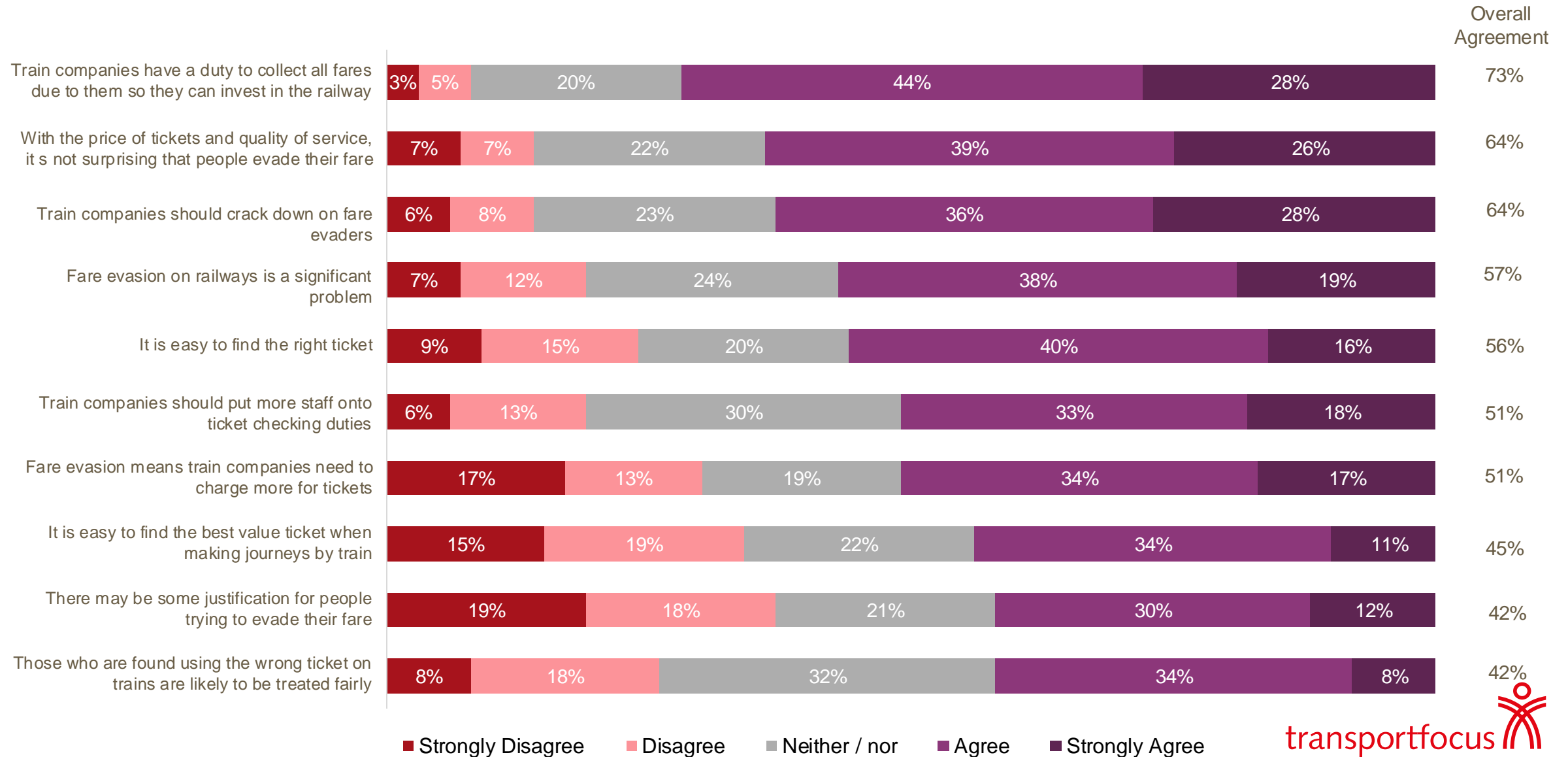
"Maybe the reason why people aren't paying for tickets is because it's already a massive problem, like the delays and stuff. It is just not a great service that's provided."

Fare Evader, East Anglia, Longer, Infrequent

"If the train's packed, then they're making their money, aren't they? They're a multi-million pound company...people are using the trains every day, average law-abiding citizens are using the trains every single day, paying extortionate prices every single day. And as far as I'm concerned, Greater Anglia haven't even noticed that I've been on their train."

East Anglia, Shorter, Infrequent, 31 - 50

Across the population, there are mixed views on fare evasion



Recommendations



Key motivation:
Passengers can travel with
confidence
Any penalties are fair and
proportionate

Establishing a simpler fares and ticketing system + improvements to clarity of messaging about ticket eligibility and restrictions

- Fares and ticketing reform should be expedited to make it easier for passengers to choose the correct ticket for their journey.

Increased measures to collect all fares due

- Demonstrate that the industry cares about and collects its revenue and ensure that people know they will be asked to produce a valid ticket at the start, end, and during their journey.
- Install more gate-lines and ensure these are in operation throughout the service day.
- Increase ticket checks at stations and on trains.

Introduction of a Railcard Database

- A central digital record of all railcards issued that can be accessed on demand will ensure that passengers' eligibility for the relevant discount can speedily and easily be checked, even if they have forgotten or are unable to access proof when asked.
- Automatic reminders as railcards reach expiry would also be useful to help encourage renewal.
- Railcards should be issued with a ready reference note with times of eligibility, min ticket price and other significant restrictions. Key facts should not be buried in small print T&Cs.

Reform of railway processes to achieve greater fairness for passengers

- Industry to establish and follow clear hierarchy of actions for Revenue Protection – and back this up with improved training for front-line staff.

Agreement that there will be no penalties in no net loss to industry situations

- Natural justice dictates that applying penalties is inappropriate when a simple technical error on purchase is made but there is no loss of revenue to the industry.

Introduction of a 'Yellow Card'

- Introduce a system that can be used on the first occasion a passenger is identified to have an incorrect ticket for the journey they are making.
- Details of the discrepancy and explanation offered should be recorded and be available to check against on future occasions.
- This approach is already employed and deemed useful by some operators but would be most effective if the system was operated nationally with information accessible by all operators.

Review of guidance underpinning Penalty Fares to assess if fit for purpose

- The bodies assessing appeals should be audited on a regular basis to check compliance with the relevant criteria. The results should be made public to promote greater accountability and increase confidence in the system.
- Review appeal process (e.g. awareness of right to appeal, signposting how to appeal, quality of replies)

Provision of transparent data about Penalty Fares/ Unpaid Fare Notices/ Byelaw and Regulation of the Railways Act Prosecutions

- Data about numbers of cases, appeals, outcome of appeals can demonstrate the industry has 'nothing to hide' and how effective the application of penalties and discretion are in practice.
- It is also important to make sure that discretion is being applied consistently and not being used to the benefit or disadvantage of particular individuals or groups of passengers.

Removal of the route to prosecution from the Railway Byelaws

- Criminal prosecutions without proof of intent to evade offends natural justice.
- Objections to use of 'strict liability' is a long-standing Transport Focus policy position and documented in Ticket to Ride publications.
- Penalty Fares and Unpaid Fare Notices/and prosecutions under the Regulation of the Railways Act 1889 remain effective options to address evaders.

Fare evasion and RP – what has been happening and next steps

- Discussions with DfT Policy teams throughout 2024
- Presentation to the Rail Fraud Forum – September 2024
- Correspondence with rail industry bodies – October 2024
- Discussion with ORR ahead of launch of Review into TOC RP practices
 - > Member of Expert Advisory Group
- Meetings with GBRTT Customer and Revenue Growth Team
- Discussions with TOCs
- Merseyrail introduces 'Yellow Card'
- Seeking further industry engagement and progress towards a railway where passengers can travel with confidence and any penalties are fair and proportionate.



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