

Midland Metro Penalty Fares Order

Transport and Works Act 1992
The Transport and Works
(Applications and Objections Procedure)
(England and Wales) Rules 2006



Draft Order

201X No. XXXX

TRANSPORT AND WORKS, ENGLAND

TRANSPORT, ENGLAND

The Midland Metro (Penalty Fares) Order 201X

Made - - - - ***
Coming into force - - ***

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An application has been made to the Secretary of State in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006(a) for an Order under sections 1 and 5 of the Transport and Works Act 1992(b) (“the 1992 Act”).

[Objections to that application have been withdrawn.]

[The Secretary of State caused an inquiry to be held for the purposes of the application under section 11 of the 1992 Act.]

[The Secretary of State, having considered [the objections made and not withdrawn] [and] [the report of the person who held the inquiry], has determined to make an Order giving effect to the [proposals comprised in the application [without modifications] [with modifications which in the opinion of the Secretary of State do not make any substantial change in the proposals]] [proposals

(a) S.I. 2006/1466, amended by S.I. 2010/439, S.I. 2011/556, S.I. 2011/2085, S.I. 2012/147, S.I. 2012/1658, S.I. 2012/2590, S.I. 2013/755 and S.I. 2017/16.
(b) 1992 c. 42; section 1 was amended by paragraphs 51 and 52 of Schedule 2 to the Planning Act 2008 (c.29), section 5 was amended by S.I. 2012/1659.

concerned with modifications which in the opinion of the Secretary of State make a substantial change in the proposals].

[The Secretary of State having considered representations duly made under section 13 of the 1992 Act, has determined to make the Order applied for with modifications.]

Notice of the Secretary of State's determination was published in the London Gazette on [X].

The Secretary of State, in exercise of the powers conferred by sections 1 and 5 of, and paragraph 12 of Schedule 1 to, the 1992 Act, makes the following Order:—

PART 1 PRELIMINARY

Citation and commencement

1. This Order may be cited as the Midland Metro (Penalty Fares) Order 201[X] and comes into force on [X].

Interpretation

2.—(1) In this Order—

“the 1991 Act” means the Midland Metro (Penalty Fares) Act 1991(a);

“the Executive” means West Midlands Combined Authority established under article 3 of the West Midlands Combined Authority Order 2016(b).

PART 2 PENALTY FARES

Application of 1991 Act

3.—(1) The 1991 Act, in so far as not modified by or inconsistent with the provisions of this Order, continues to apply.

(2) In section 5 of the 1991 Act (amount of penalty fare) for subsection (2) substitute:

“(2) Subject to subsection (4), the Executive, from time to time, may vary the amount of the penalty fare, may alter the period within which the penalty fare is to be paid and may permit the penalty fare to be reduced if paid to the Executive within a shorter period provided that—

- (a) the Executive has first consulted the Secretary of State for Transport and the other consultees listed in subsection (3); and
- (b) a notice has been published in the newspapers described in subsection (c) not later than 28 days before the day on which the penalty fare as so varied is to have effect stating:
 - (i) the amount of the penalty fare (whether higher or lower),
 - (ii) the period within which the penalty fare is to be paid, and

(a) 1991.c.ii.
(b) S.I.2016/653.

(iii) any reduction in the penalty fare if paid to the Executive within a shorter period.

(c) The newspapers referred to in subsection (2)(b) are a local newspaper circulating in each of the areas where passengers may get on or off Metro vehicles ”

(3) In that section after subsection (2) insert—

“(3) The other consultees referred to in subsection (2) are—

(a) such persons or bodies representative of local authorities,

(b) such persons or bodies representative of those who travel on the Metro, and

(c) such other persons or bodies,

as the Executive considers it appropriate to consult.

(4) The amount of the penalty fare may not exceed the maximum amount for which a person failing to comply with the requirements of section 8(1) may be liable on summary conviction.”

(4) In subsection (1) of section 9 of the 1991 Act (exclusion of double liability) after “of this Act” insert “or any different period notified in accordance with section 5(2)”

Signed by authority of the Secretary of State

Natasha Kopala
Head of the Transport and Works Act Orders Unit
Department for Transport

Date

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends sections 5 and 9 of the Midland Metro (Penalty Fares) Act 1991 and confers power on the West Midlands Combined Authority (“the Executive”) to vary the level of penalty fare by notice following consultation with the Secretary of State for Transport.