Freedom of Information request ref 01/FOI/26/4141
We received your request on the 07/04/2026

Request

You asked us:

I write pursuant to the Freedom of Information Act 2000 to request information held by British Transport Police relating to the enforcement cascade from administrative fare penalties to criminal prosecution for railway fare evasion in Scotland, specifically as it interfaces with ScotRail Trains Limited's £10 minimum fare policy.

This request is submitted in the public interest, given BTP's statutory role in policing the railway network and the policy's potential implications for disproportionate impacts on vulnerable individuals through escalation to criminal justice processes.

I respectfully request the following information:

1. Please provide the current Memorandum of Understanding, protocol, or operational guidance governing referrals from ScotRail Revenue Protection Officers to British Transport Police for potential criminal prosecution of fare evasion offences in Scotland.

2. Please provide aggregated statistics (2022-2026) on fare evasion-related prosecutions in Scotland, broken down by:
(a) Offence type (e.g., Railway Byelaw 23, Regulation 18(1) of the Railway Penalties Regulations);
(b) Outcome (conviction, diversion, acquittal, discontinued);
(c) Sentence imposed (fine amount, community order, other).

3. Please provide anonymised demographic data on individuals prosecuted for fare evasion offences in Scotland (2022-2026), including:
(a) Age band;
(b) Gender;
(c) Ethnicity (where recorded);
(d) Postcode sector (for deprivation index linkage).

4. Please provide any training materials, briefing notes, or operational guidance issued to BTP officers relating to:
(a) Distinguishing civil fare disputes from criminal fare evasion;
(b) Liaison with Revenue Protection Officers;
(c) Exercising discretion in prosecution decisions for low-value fare offences.

5. Please provide any risk assessments, equality analyses, or legal advice held by BTP relating to the potential impacts of the £10 minimum fare policy on prosecution volumes, demographic profiles of defendants, or proportionality of criminal justice responses to fare non-compliance.

6. Please provide all correspondence between BTP Scotland and ScotRail Trains Limited, Scottish Rail Holdings, or Transport Scotland relating to the development, implementation, or operational implications of the £10 minimum fare policy (January 2025-present).

Clarification received:

I acknowledge and accept your guidance on information holdings. Please proceed with the following refined requests:

Revised Question 1 (MOU/Protocol):
- **Please provide any Memorandum of Understanding, protocol, or operational guidance *held by BTP* governing referrals from ScotRail Revenue Protection Officers to BTP for potential criminal investigation of fare evasion offences in Scotland.**
- **If no formal document exists, please confirm this and provide any internal briefing notes, emails, or guidance circulated to BTP officers on this topic (Jan 2025-present).**

Revised Questions 2 & 3 (Police Outcome Data):

☑ **I accept your offer of police outcome data in lieu of prosecution data.**
- **Please provide aggregated statistics (2022-2026) on fare evasion-related *crimes recorded by BTP in Scotland*, broken down by:**
  (a) Offence type (Railway Byelaw 23, Regulation 18(1), other);
  (b) Police outcome (suspect identified, no further action, referred to Procurator Fiscal, other);
  (c) Date and location (route/station) of incident.
- **Please provide anonymised demographic data *as recorded by BTP at point of incident* for these cases:**
  (a) Age band; (b) Gender; (c) Ethnicity (where recorded);
  (d) Postcode sector of incident (for deprivation index linkage).

Revised Question 4 (Training Materials – Narrowed):
- **Please provide any training materials, briefing notes, or operational guidance issued to *BTP Scotland officers* (Jan 2025-present) relating to:**
  (a) Liaison with ScotRail Revenue Protection Officers;
  (b) Exercising discretion in *investigation* decisions for low-value fare offences (not prosecution decisions, which I acknowledge are for COPFS).
- **Limit search to: BTP Scotland Command, Revenue Protection Liaison Team, or equivalent functional unit.**

Revised Question 5 (Risk Assessments – Narrowed):
- **Please provide any risk assessments, equality analyses, or internal legal advice *held by BTP Scotland* (Jan 2025-present) that specifically references ScotRail's £10 minimum fare policy.**
- **Limit search to: BTP Scotland Command legal/advisory unit, or correspondence with Transport Scotland/ScotRail on this policy.**

Revised Question 6 (Correspondence – Narrowed):
- **Please provide all correspondence *sent or received by BTP Scotland Command***

(Jan 2025-present) with ScotRail Trains Limited, Scottish Rail Holdings, or Transport Scotland that specifically references the £10 minimum fare policy.
- **Limit to: Emails, letters, or meeting minutes where the policy is named or clearly referenced.**

We have handled your request under the Freedom of Information Act (FOIA)

Our response:

Questions 1, 4 and 6

Searches were undertaken by the BTP Scotland (D Division) Chief Superintendent, Superintendent, Chief Inspector (Network Policing) and the Inspector assigned to liaison with Transport Scotland and the rail industry, as well as the Learning and Development regional training team covering D Division.

The following documents are attached:

- Training presentation used in probationer officer training in respect of travel fraud/railway revenue offences.
- Emails relating to the introduction of the new minimum fare policy.

Questions 2 and 3

Our Analytics and Insight team has retrieved data based on a search for any occurrences recorded in D Division between 01/01/2022 and 31/03/2026. The spreadsheet attached contains the crime classification, locations of the offences, the outcome of each offence and the age band, ethnicity and gender of the suspect where recorded. BTP crimes are recorded against railway station locations and therefore we do not hold a postcode sector for each offence.

Question 5

Information not held.

From: [redacted]
To:
Cc:
Subject: Scotrail - Minimum Fares
Date: 20 February 2026 10:27:00

Morning,

Please see below for awareness. This was raised on a call with TS on Monday where I expressed concerns and had asked to see the internal and external comms. I was told these are sitting with the Cabinet Secretary for sign off and this is the first I have been sighted on anything from Scotrail.

ScotRail to tackle ticketless travel with new minimum fare

[redacted]
Inspector : Transport Scotland & Industry Liaison
British Transport Police, Divisional Headquarters
90 Cowcaddens Road
Glasgow
G4 0LU

Tel: (MS Teams): [redacted]
Mobile: [redacted]
ISSI: [redacted]

From: [redacted]
To:
Cc:
Subject: RE: ScotRail to tackle ticketless travel with new minimum fare
Date: 20 February 2026 10:17:00

Hi,

I heard about this on a TS call on Monday and raised concerns.

I had asked to see what the internal and external comms were but was told they were sitting with the Cab Sec.

Regards

[redacted]
Inspector : Transport Scotland & Industry Liaison
British Transport Police, Divisional Headquarters
90 Cowcaddens Road
Glasgow
G4 0LU

Tel: (MS Teams) [redacted]
Mobile: [redacted]
ISSI: [redacted]

From: [redacted]@scotrail.co.uk>
Sent: 20 February 2026 10:10
To: [redacted]@btp.police.uk>
Cc: [redacted]@scotrail.co.uk>
Subject: FW: ScotRail to tackle ticketless travel with new minimum fare

FYI. Good chance this will increase incidents for a period of time.

Classified as NOT CLASSIFIED

From: [redacted]@scotrail.co.uk>
Sent: 20 February 2026 10:04
To: [redacted]@scotrail.co.uk>
Subject: ScotRail to tackle ticketless travel with new minimum fare

Not displaying correctly?
Read in web browser

[redacted]

Good morning,

Since our return to public ownership in 2022, we have increased frontline staffing numbers, enhanced our revenue protection practices by introducing a dedicated team of Revenue Protection Officers, focussing on known routes and offenders, and providing colleagues with improved tools to deal with and report fare evasion. But we know there is more to do to reduce ticketless travel.

A period of education will be implemented from 1 April 2026 until July 2026, following which a £10 minimum fare will be put in place. Our revenue protection team will be tasked with targeting customers claiming short journeys and embedding the minimum fare. Our communication and marketing teams will ensure the message is shared with customers and stakeholders.

We are also confident that this change will help to reduce some aspects of anti-social behaviour on the railway, such as the small minority of customers travelling without a valid ticket for short journeys.

This £10 minimum fare will be applied to people who choose to board and travel on a ScotRail service without a valid ticket, which in many cases will be more than the standard fare ticket for that journey.

As an example, a return ticket for someone travelling from Bishopbriggs to Glasgow Queen Street costs £3.00, and so the £10 minimum fare would be applied to someone who purposefully didn't buy a ticket before boarding when they could have.

ScotRail is currently the only train operating company in the UK, where there is no price differential for boarding a train without a valid ticket, and we hope that this change will support a change in customer behaviour.

We know that short journeys are the most likely to see a small minority of customers attempting to travel without pay the correct fare.

The introduction of the minimum fare follows independent analysis of ticketless travel, which has shown that customers who pay on the train, board at stations with either an operating ticket vending machine (90 per cent), or a ticket office that was open at the time of their travel (74 per cent), and opting not to use those facilities.

As the minimum fare is a new ticket type it will be visible to staff on all retail systems, and they will be able to issue the fare.

To further assist frontline teams and better support staff discretion, a new app will be rolled out from late March 2026 that will show the live status of all ticket offices and ticket vending machines at each station across the country.

There are exclusions:

- For customers who hold a national entitlement card.
- If a ticket office in a station is closed.
- If a station doesn't have a ticket office or ticket vending machine (TVM).
- If a customer has a registered disability that prevents them from using TVMs.

Staff will have the discretion to issue the minimum fare depending on the customer's circumstances and whether it is safe and appropriate to do so. Staff will be fully briefed on the process and will be supported by their managers and the Revenue Protection Team.

Customers who can only pay with cash would obtain a 'promise to pay' ticket from a TVM and then purchase a ticket from on train staff.

Thank you to colleagues across the frontline and back-office roles who have worked so hard to tackle the problem of fare evasion and fraud in recent years. This has contributed to ticketless travel dropping from 8.8 per cent in April 2022 to 3.7 per cent last year which is a fantastic achievement, ensuring fairness for those honest, fare-paying ScotRail passengers.

Since 2022, some of the changes made, and some still to come, include:

- A dedicated channel for staff to report ticketless travel and fraud.
- Briefing sessions and increased engagement with frontline teams.
- Commission for ticket scanning.
- Prosecution of known fare evaders.
- New automatic ticket gates installed and increased on train and station teams.
- Annual independent audits of ticketless travel and fraud.
- All station and mobile kit was renewed. This will be done again in early 2027.

Every pound lost through fraudulent travel is money that would have been reinvested into the railway, and we will continue to support you to take robust action to deal with those purposely avoiding payment.

Thanks again for your continued hard work and support, and if you have any questions, please feel free to get in touch.

Best wishes,



Customer Operations Director



From: [redacted]
To:
Subject: Scotrail Minimum Fare Policy
Date: 03 March 2026 11:42:00

Morning,

Please see below points in relation to Scotrail's minimum fare policy:

An education phase will commence between April and June ahead of the launch in July 2026.
There will be significant marketing and new signage across stations to advertise this policy.
On train staff will have access to an app which will advise them of TVM and booking office availability at each station.
Passengers should purchase their ticket prior to travel using TVM's, booking offices, Scotrail app or tap&pay app.
If passengers only have cash, they should select the button on the TVM for a "promise to buy" ticket and purchase it on board. Only cash will be accepted on board the train if this is the method selected.

The scheme is primarily aimed at those people who fraudulently travel on short journeys or when stopped at ticket barriers at end destinations state they only travelled one or two stops.
Where the cost of the ticket is less than £10 and a passenger hasn't purchased a ticket (including promise to buy) they will be given a £10 minimum fare which will be issued the same as a normal ticket. **This includes children.**
If the passenger does not have money to pay for the fare normal TI procedure will be carried out and they will be billed accordingly.
If the cost of the ticket is over £10, they will be charged the standard ticket rate and not be eligible for any discounts.

There will always be times when discretion is applied such as inability to use ticket facilities due to disability, but Scotrail will be looking for a consistent approach across their staff.

Our role will be to support this as and when we are called upon, the same as we would with any other TI process. There will be an appeals process for anyone who wishes to challenge this fare (i.e they are adamant the ticket issuing facilities weren't in operation at the start of their journey).

I expect far more information in the coming weeks and will keep you updated with any Scotrail comms.

Regards

[redacted]
Inspector : Transport Scotland & Industry Liaison
British Transport Police, Divisional Headquarters
90 Cowcaddens Road
Glasgow
G4 0LU

Tel: (MS Teams): [redacted]
Mobile: [redacted]
ISSI: [redacted]



Ticket Irregularities (TIs) and Travel Fraud

PC Ross Millar
LP & SC Initial Training

Aims

The aim of this lesson is to introduce you to the procedure when dealing with ticket irregularities and travel fraud upon the railway

Outcomes

By the end of this lesson you should be able to –

- **Understand the legislation around ticket irregularities**
- **Understand the “3 fails” (TI process) and how this is best applied.**
- **Understand and recognise the statutory incidents of travel fraud.**



Introduction

Ticket disputes or irregularities are a common issue for both Train Operating Companies (TOC) and British Transport Police. The railway should in most circumstances seek to resolve the issue using their own powers and procedures under the Regulation of the Railways Act 1889 and where appropriate, encouraged to do so.



Ticket Irregularities

Section 5 (1), Regulation of Railways Act 1889 States that Every passenger travelling by a railway shall, on request by an officer or servant of a railway company, either produce, and if so requested deliver up, a ticket showing that his fare is paid, or pay his fare from the place whence he started, or give the officer or servant his name and address; and in case of default shall be guilty of an offence.

This is commonly called the “3 fails procedure or T.I process”.

Failure to show a ticket, make payment for a ticket or supply name and address Section 5 (1)

If the person fails to –

Produce a valid ticket on demand **AND** Fails to pay for a valid ticket

AND

Fails to provide their name and address to the railway

Commits an offence only once the person has **FAILED to do ALL 3**. The intent to avoid payment is immaterial in this circumstance.

It's good practice, even if the conductor has gone through the 3 fails procedure (3 questions) to repeat this in your presence for corroboration.

NB: It is not uncommon for the railway to ask officers to conduct a PNC (or other police systems check) to allow them to verify the persons details when they have been provided. Officers MUST NOT use police systems other than for a policing purpose.



Travel Fraud – Intent to Avoid Payment

5(3)a Regulation of Railways Act 1889 creates an offence for a person to travel or attempt to travel without paying the fare **AND** with the intent to avoid payment.

Common examples of this is where a passenger hides in the toilet or pretends to be asleep. In this circumstance where someone has intended to avoid payment, there would be no requirement to go through the 3 fails.

Where intent cannot be proved, there is an option Section 5 (1), Regulation of Railways Act 1889.

Payment of the Fare

Means payment of the proper fare, thus an offence can be committed by travelling first class on a standard class ticket.

Knowledge is an essential ingredient of the offence and must be proved by the prosecution.

5(3)b Travel Fraud – Over Travelling

5(3)b Regulation of Railways Act 1889 creates an offence of knowingly and wilfully travel beyond distance to which fare paid with intent to avoid payment thereof.

An example this would be traveling from Dundee to Glasgow Queen Street but only buying a ticket for travel as far as Stirling. Note that you must be able to prove intent. Other conduct which may prove this is failing to pay the reminder of the travel upon request, moving about the train to avoid the conductor or hiding in the toilet during the excess journey.

Travel Fraud – Providing a false name and address

5(3)C Regulation of Railways Act 1889 deals with providing a false name and address when required to do so with the intention of avoiding the TI process. There is no statutory requirement for the person to show a form of identification and failing to so does not constitute an offence.

T.I and Travel Fraud Aide Memoir

Regulation of Railways Act 1889

offence	5(1)	5(3)A	5(3)B	5(3)C
	x3 Fails / TI	Travel without paying fare	Travel beyond distance	Give false name/ address
Essential elements	Travelled	Travel or attempt	Over travels	Fails to pay
	Fail to produce ticket	Fare not paid	Extra fare not paid	Requirement for name and address
	Fails to pay for ticket			
	Fail to give name and address	Intent to avoid payment	Intent to avoid payment	False name or address given

Lesson Summary

<u>You should now be able to:</u>

Understand the legislation around ticket irregularities.

Understand the 3 fails (T.I process) and how this is best applied.

Understand and recognise the statutory incidences of travel fraud.

