

# HOW TO DEAL WITH FARE DODGERS: THE LEGAL POSITION

We have been fair inundated of late with stories about “runners”: fare dodgers, either deliberately taking a taxi/private hire journey with no intention to pay, or having run out of money following sixty-eleven pints and whisky chasers. The main question everyone poses is: what is the position in law?

Actually that was not as easy to track down as one might think... we trolled dozens of Google pages, scores of local authority websites, oodles of legal websites. Finally we came up with an extremely well set out and comprehensive document, compiled by Plymouth City Council with the assisted input from Devon and Cornwall Police.

Now we know some PHTM readers will jump up and say, “Wait a minute – Plymouth has its own taxi legislation; we have the Local Government (Miscellaneous Provisions) Act 1976. So what Plymouth does is not relevant.”

But no, we’re not talking about taxi legislation here; we are referring to fraud, theft and other such actions which are governed nationally by the same rules and regulations. So here goes. Naturally the information kicks off with the usual stipulation: “As in all cases the facts must be assessed individually at the time of the incident to decide the correct course of action.” You know the sketch: every case must be considered on its own merits.

Over to Plymouth: It should be noted that for the police to consider prosecution there has to be an element of dishonesty involved in the actions taken by the passenger(s).

**Dishonesty has to pass two tests: whether a person’s behaviour would be regarded as dishonest by the ordinary standards of reasonable and honest people; secondly, if the person was dishonest by those standards then whether they were aware that what they were doing was dishonest.**

**Drunkenness is not a defence to dishonesty.**

The following basic examples illustrate the possible criminal offences:-

**1. If the passenger leaves the vehicle and makes off without paying the fare he commits an offence under Section 3 of the Theft Act 1978 – Making off without payment.**

**Section 3 of the Theft Act 1978 creates an offence of making off without payment. In simple terms, a person who uses the taxi knowing that payment is required or dishonestly makes off without payment, intending that payment shall not be made, commits an offence. The fact that the passenger has run off would satisfy the dishonesty aspect.**

**Please note: Obviously the service provided must be lawful; therefore an offence cannot be committed if a private hire vehicle or hackney carriage operates outside their respective regulations.**

**2. If a person enters the vehicle and has no money in his possession but fails to inform the driver until the journey is complete, he commits an offence under Section 2 Fraud Act 2006 – Obtaining services dishonestly.**

**Section 2 of the Fraud Act 2006 creates an offence for any person, by any dishonest act, to obtain services for which payment is required, with intent to avoid payment.**

**A person is guilty of an offence under this section if he obtains services for himself or another providing:-**

**The person must know that the services are made available on the basis that payment has been, is being, or will be made. It can be committed only where the dishonest act was done with the intent not to pay for the services as expected.**

**The fact that the passenger knowingly uses the service without having the means to pay would satisfy the dishonesty requirement. It can be a defence if a person makes an honest mistake as to certain facts causing him/her to take a course of action which, on the surface, appears to be an offence: for example, the person thought they had the money to pay for the taxi but had lost his wallet.**

**3. Passenger refuses to pay the fare at the end of the journey commits an offence under Section 2 Fraud Act 2006 – Obtaining services dishonestly.**

**Provided there is evidence that the passenger entered the cab knowing a fee would be required for the provision of the service with the intent of not paying and it can be proved he acted in a dishonest manner, then an offence contrary to section 2 of the Fraud Act 2006 would be committed.**

If the passenger states that he was unhappy with the services and attempts to negotiate part payment and provides his details the matter would become a civil debt and would not be dealt with by police.

The boundary between the civil and criminal law will always be subject to a degree of interpretation, but the following are examples of civil matters that cannot be dealt with by the police:-

- Passenger disputes the fare but makes an offer of payment
- Passenger soils the vehicle, agrees to paying the fare but refuses to pay the soiling charge
- Passenger is dissatisfied with the service and refuses to pay the fare but provides their name and address and then leaves the scene
- Passenger has disputed the fare but makes an offer of payment which is refused by the driver, but provides their name and address and then leaves the scene.

Every case must be judged on its own merits as there will clearly be situations where conflicting views will escalate into direct confrontation. In these circumstances it is recommended that drivers maintain a calm professional approach, try to avoid strong or threatening language and distance themselves from any physical contact where possible.

Drivers should always try to avoid placing themselves in unnecessary danger. If the matter is a threat to the driver’s physical safety or imminent damage to their property, the police should be called immediately using the 999 system.

Where there is a dispute and the driver locks a passenger in the vehicle and drives to the police station, this practice leaves them open to a criminal complaint of false imprisonment and counter action under the law.

**Now then: as regards the story in this issue that emanates from North of the Border, as at press deadline we could not find any information as to whether Scottish law differs from UK law in this matter. We’re still digging; watch this space.**