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Managing Directors
Third party retailers

Dear Colleague

Compliance with Consumer law

As you may be aware, ORR recently wrote to train operators concerning compliance with condition 4 of their licence regarding information to passengers. The licence imposes obligations on train operators to provide appropriate, accurate and timely information to allow passengers to plan and make their journeys with a reasonable degree of assurance, including when there is disruption. These letters have been published¹ on the ORR website.

ORR is also a designated enforcer under Part 8 of the Enterprise Act 2002, and our powers cover rail passengers and the companies from whom they purchase services. Our powers enable us to stop breaches of consumer protection laws where there this has an adverse impact on passengers. A key set of rules are The Consumer Protection from Unfair Trading Regulations 2008 (CPRs). These prohibit unfair, misleading, and aggressive commercial practices.

It is important to note that obligations under the CPR's apply not only to train operating companies but also to companies who are third-party retailers of tickets.

We recognise the recent difficulties faced by the rail industry in providing accurate information to passengers to enable them to make informed decisions about their journeys. However, it is important that all parties, including third-party retailers, ensure that they are providing consumers with the information that is material to their decision for example, to buy a ticket or exercise their rights, and to do so in a way that is clear, unambiguous, and timely.

¹ http://orr.gov.uk/_data/assets/pdf_file/0020/27047/licence-condition-4-letter-to-toc-managing-directors-2018-02-23.pdf

In our letter to train operators we set out three broad principles for providing information to passengers. We have set these out below, amended as appropriate for third-party retailers:

1. Third-party retailers should be open about the impact on all passengers of the challenges they face, and take responsibility for ensuring that their customers can get the information they need to plan and purchase tickets for their journey as that information comes available.

2. Clear information on the availability of advance tickets, what is available and when, is necessary to help passengers plan journeys even when the timetable is uncertain.

3. Timetable information should be correct as far ahead as possible, and where timetables are not confirmed information about their current status should be accurate and updated frequently.

You may wish to have regard to these as we consider these principles should help you meet obligations under the CPRs in relation to tickets third-party retailers sell and the services they provide, and avoid passengers being misled.

We will publish this letter on our website.

If you would like to discuss any of the information set out in this letter please let me know.

Yours sincerely



Stephanie Tobyn