



OFFICE OF RAIL AND ROAD

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23 February 2018

Managing Directors  
Train operating companies

Dear Colleague

## **Compliance with condition 4 of the Passenger Licence and GB Statement of National Regulatory Provisions: Passenger, and Consumer law**

As you will be aware, Condition 4 of the Passenger Licence and GB Statement of National Regulatory Provisions: Passenger (Information to Passengers)<sup>1</sup> require 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. Train operators must do so to the greatest extent reasonably practicable.

In parallel, the Consumer Protection (from Unfair Trading) Regulations 2008 (the 'CPRs') also prohibit unfair and misleading commercial practices. The Regulations essentially require that train companies adhere to objective industry standards and do not mislead passengers through the provision of inaccurate or incomplete information.

Our routine monitoring of how well train operators communicate with their passengers about rail services has shown that some train operators are presenting information which they know is erroneous and, despite this, information remains uncorrected in passenger-facing systems. We recognise that it can be difficult to keep information accurate in rapidly changing situations but we are concerned about the accuracy of information provided to passengers and the possible adverse impact on them.

We recognise that this a particularly challenging time for the industry in terms of finalising the May 2018 timetable and agreeing short-term changes to it for engineering and other work. But this means it is especially important that train operators ensure that they are taking all the necessary steps to provide appropriate, accurate and timely information.

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<sup>1</sup> [http://orr.gov.uk/data/assets/pdf\\_file/0011/2234/lic-passlic.pdf](http://orr.gov.uk/data/assets/pdf_file/0011/2234/lic-passlic.pdf)

Given the importance of this issue, we have set out below our expectations.

- 1. Train operators should be open about the impact on all passengers of the challenges they face, and take responsibility for ensuring that their passengers can get the information they need to plan and make their journey as that information comes available.**
  - a. Passengers should not have to look at multiple sources of information to get the information that they need; information should be aligned across all channels. It should be obvious from the train operator or third party ticket engine/journey planner if the journey presented is not the normal one. For example if there is a replacement bus or the journey takes longer than normal or is diverted<sup>2</sup>.
  - b. Extra effort should be made to advertise changes that are unusual such as work that might affect a weekday peak period rather than just overnight or weekend trains so that all travellers, regular and infrequent, are equally well-informed.
  - c. When there are engineering works, explain in clear jargon-free language what is being done and why<sup>3</sup>, and the impact it will have on passengers. This should be information about the specific works and not just references to the general reasons why engineering work may be necessary.
  - d. Information should be consistent across all the train operator's channels. The passenger should receive the same information and warnings when they are buying tickets via an app or mobile website as they would if they were using the main website.
  
- 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.**
  - a. When advance tickets have not been released this should be made clear to passengers using the ticket engine, and an estimate given of when these tickets are likely to be available. Where feasible, a facility should be provided for passengers to register their interest in future advance ticket dates and to be e-mailed by the train operator when these tickets become available.

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<sup>2</sup> <https://www.raildeliverygroup.com/component/arkhive/?task=file.download&id=469771025> PIDD-49.

<sup>3</sup> <https://www.raildeliverygroup.com/component/arkhive/?task=file.download&id=469771025> PIDD-48.

- b. An advance ticket calendar should set out the latest date currently available for purchase. Ideally, this should split out weekdays, Saturdays, and Sundays.
- c. When train times are changed for a ticket that has already been purchased, the train operator should make every effort to contact the passenger to let them know<sup>4</sup>. Should the new journey times not be convenient for the passenger they should be invited to apply for a refund / refunds should be given on request without having to pay an administration charge including for advance tickets.

**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.**

- a. Where the times are not confirmed and there is a possibility that they will be changed, this should be flagged to passengers. Ideally, this information should include the date when the timetable will be confirmed to allow passengers to check back at that time, and the reason for the possible/confirmed change to times.
- b. Should incorrect timetables still be in planners at T-1 the train operator should take extra steps to advertise that the times shown are incorrect. This could include website banners and publishing PDF timetables showing the correct times. National Rail Enquiries messages should also point to the enhanced information to ensure as wide an audience as possible.

In terms of what train operators need to do to meet the requirements of consumer law, ORR worked with train operators and the Rail Delivery Group (ATOC as was) to develop a Code of Practice on retail information<sup>5</sup> (the 'retail Code'), which was agreed and adopted by train operators in March 2015.

The Code sets out clearly that the provision of clear and accurate timetable information is key to passengers when planning journeys, booking tickets, and travelling.

Failure to provide timetable information to passengers in accordance with accepted industry standards, providing it in a way such that its presentation might mislead, or

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<sup>4</sup> <https://www.raildeliverygroup.com/component/arkhive/?task=file.download&id=469771025> PIDD-19

<sup>5</sup> <http://www.nationalrail.co.uk/static/documents/content/RetailInformationForRailTicketsCoP.PDF>

omitting or hiding material information or providing information in a way that is unclear, unintelligible, ambiguous or untimely could all potentially infringe the CPRs.

Clearly, train operators cannot provide information they do not have but, equally, where there is a reasonable chance that the information they do have might change, train operators need to ensure that this is communicated to passengers so that they can make an informed decision.

We will continue to monitor compliance with this licence condition. We will publish this letter on our website and will also look at whether the retail Code needs to be refreshed and updated.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Larkinson', with a stylized flourish at the end.

**John Larkinson**