

John Larkinson
Deputy Director, Railway Planning and Performance
Telephone 020 7282 2193
Fax 020 7282 2042
E-mail john.larkinson@orr.gsi.gov.uk



4 November 2010

To holders of GB station licences and passenger SNRPs

Dear licence and SNRP holder,

Rail passengers' rights and obligations regulation (PRO): Notice of changes to station licences and passenger SNRPs

We wrote to you on 11 June 2010 explaining the changes we were proposing to make to your station licence (issued under the Railways Act 1993 (the Act)) and/or your passenger train statement of national regulatory provisions (SNRP) issued under the Railway (Licensing of Railway Undertakings) Regulations 2005.

We are now issuing this notice to make those changes. The changes take effect immediately.

The changes and who they affect are set out in schedules 1 to 4 of this notice:

- Schedule 1 covers changes to station licences;
- Schedule 2 covers changes to GB passenger SNRPs held by charter operators;
- Schedule 3 covers changes to all other GB passenger SNRPs (apart from Eurostar's); and
- Schedule 4 covers changes to Eurostar's passenger SNRP and its station licence.

We are making these changes under powers given to us on 25 June 2010¹ to ensure compliance with the PRO². Although we could make these changes without your consent, we wanted to hear your views first.

I would like to thank all those who responded to our consultation. We received several helpful comments asking for clarification on particular points and about how we will enforce

¹ In regulations 14(2) and 15(2), as appropriate, of The Rail Passengers' Rights and Obligations Regulations 2010 SI 2010/1504 (the UK PRO Regulations) .

² EC Regulation number 1371/2007.



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the new obligations. As a result of these we have made one change to our proposals in respect of condition 3.

PRO regulation

DBS questioned why we referred back to the EU legislation rather than the UK transposition instrument in the definition of PRO Regulation. This is because the PRO Regulation is directly applicable in all member states and does not require any national implementing measures before taking effect in UK law. The statutory instruments relate to specific articles that require decisions by the individual member states.

Enforcement policy

Network Rail asked how we would use our powers to enforce the PRO. As these are now licence obligations, we will follow our economic enforcement policy and penalties statement³, concentrating on serious and systemic failures. The process in place envisages that most complaints will be directed to Passenger Focus or London TravelWatch in the first instance and that they will draw our attention to any serious or systemic non-compliance. However, we may also investigate complaints made directly to us; indeed, we must do so if there is a specific complaint about a potential licence breach.

Condition 3 - through ticketing and network benefits

Several people commented on the proposal to include a new paragraph 3 in condition 3 that followed closely article 29 of the PRO. This would have required operators to inform passengers of their rights and obligations under the PRO. ATOC questioned whether this should be included as it thought it went further than is required and could incur extra costs. Others questioned how we expected operators to make the information available and whether they would have to cover extra costs producing leaflets.

We have reconsidered this idea. The proposed obligation will be superfluous when work to update the National Conditions of Carriage (NCoC) to reflect the PRO is complete. Therefore, we will not include it. We think it is important passengers can understand their rights and obligations when buying a ticket, so we encourage the industry to quickly finalise changes to the NCoC to avoid confusion.

³ ORR's Economic enforcement policy and penalties statement, April 2009, can be found at <http://www.rail-reg.gov.uk/upload/pdf/395.pdf>

Charter operators

DBS questioned whether charter operators should be obliged in condition 3 to comply with article 9 of the PRO. This requires railway undertakings and ticket vendors to offer, where available, tickets, through tickets and reservations. We consider that they are obliged to do so because charter operators are not exempt and article 9 applies to railway undertakings and ticket vendors equally. However, we note DBS's comment that charter operators normally work at arm's length from passengers, with tickets sold through an intermediary. In such situations, we would normally expect to focus our attention on the party responsible for selling the tickets. We will be contacting ticket vendors later to check they understand their obligations.

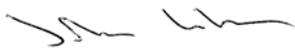
DBS questioned how we would enforce compliance with article 9, relating to through ticketing, given charter services do not normally offer through ticketing. Article 9 only applies where through tickets are available, so we would not expect to take any action in such circumstances.

Condition 5 - dependent persons

Arriva Trains noted that ORR will have to ensure compatibility between this provision and the Secretary of State's code of practice. We agree, and we have discussed the need to update the code of practice to reflect PRO requirements with the Department of Transport. However, it is important to note when revising disabled people's protection policies that the PRO obligations have been in force since 4 December 2009 so if there is a conflict between them, the PRO requirements must take precedence.

I am placing a copy of this letter on our website and on our public register for all affected licence and SNRP holders. We will also update all relevant licences and SNRPs on our website.

Yours sincerely



John Larkinson

Schedule 1: Station licences

The station licences subject to this schedule 1, with date of issue and reference numbers, are:

Station licence holder	Date and number
Arriva Trains Wales Ltd	3 Dec 03 UK0320030016
c2c Rail Ltd	14 Dec 94 UK0319940007
Chiltern Railway Company Ltd	30 Apr 95 UK0319950015
DB Regio Tyne and Wear Ltd	24 Mar 10 UK0320100002
East Coast Main Line Company Ltd	26 Oct 09 UK0320090004
East Midlands Trains Ltd	6 Nov 07 UK0320070019
First Capital Connect Ltd	29 Mar 06 UK0320060008
First Greater Western Ltd	28 Mar 06 UK0320060002
First ScotRail Ltd	11 Oct 04 UK0320040012
First/Keolis Transpennine Ltd	28 Jan 04 UK0320040002
Glasgow Prestwick International Airport Ltd	2 Sep 94 UK0319940006
London and Birmingham Railway Ltd	7 Nov 07 UK0320070023
London Underground Limited	31 March 1994 UK0320040009

Station licence holder	Date and number
London and South Eastern Railway Ltd	28 Mar 06 UK0320060005
London Eastern Railway Ltd (National Express East Anglia)	26 Mar 04 UK0320040006
London Overground Rail Operations Ltd	7 Nov 07 UK0320070026
Merseyrail Electrics 2002 Ltd	17 Jul 03 UK0320030013
Network Rail Infrastructure Ltd	31 Mar 94 UK0319940004
Northern Rail Ltd	26 Nov 04 UK0320040016
Rail for London Ltd	25 Oct 07 UK0320070017
Southern Railway Ltd	11 Sep 09 UK03200901(02)
Stagecoach South Western Trains Ltd	26 Jan 07 UK0320070004
Tyne & Wear Passenger Transport Executive	26 Mar 02 UK0320020003
Wensleydale Railway PLC	23 Apr 03 UK0320030008
West Coast Trains Ltd (Virgin Trains)	28 Apr 95 UK031995 0013

Modifications

The modifications for each station licence listed in this schedule 1 are:

A. Interpretation

Insert between the definitions of LTUC and the RPC:

“the PRO Regulation” means Regulation (EC) No. 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers’ rights and obligations.

B. Condition 5

Insert after ‘section 71B of the Act’ at 5(2):

and to article 19(1) of the PRO Regulation

C. Condition 7

Insert after ‘Part I of the Act’ in paragraph 1:

including the handling of complaints made about an alleged infringement of the PRO Regulation

Schedule 2: Charter train operators' passenger SNRPs

The statements of national regulatory provisions (SNRPs) subject to this schedule 2, with date of issue and reference numbers, are:

SNRP holder	Date and number
Direct Rail Services Ltd	28 Nov 2005 UK02 2005 0024
GB Railfreight Ltd	23 Jun 2009 UK02 2009 0001
Rail Express Systems Ltd	28 Nov 2005 UK02 2005 0071
West Coast Railway Company Ltd	28 Nov 2005 UK02 2005 0079

Modifications

The modifications for each SNRP listed in this schedule 2 are:

A. Table of contents

Insert: Condition 3: Passenger rights

B. Interpretation

Insert between the definitions of LTUC and the RPC: “the PRO Regulation” means Regulation (EC) No. 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers’ rights and obligations.

C. Condition 3

Insert new condition and title Condition 3: Passenger rights

Insert new paragraph 1: 1. Not used.

Insert new paragraph 2: 2. The SNRP holder shall comply with article 9 of the PRO Regulation.

D. Condition 5

Insert after ‘section 71B of the Act’ at 5(2): and to articles 19 and 20(1) of the PRO Regulation

E. Condition 7

Insert after ‘Part I of the Act’ at paragraph 1: including the handling of complaints made about an alleged infringement of the PRO Regulation

Schedule 3: Passenger SNRPs

The statements of national regulatory provisions (SNRPs) subject to this schedule 3, with date of issue and reference numbers, are:

SNRP holder	Date and number	SNRP holder	Date and number
Arriva Trains Wales Ltd	28 Nov 05 UK02 2005 0011	London Eastern Railway Ltd	28 Nov 05 UK02 2005 0057
Broadway Rail Ltd	20 Sep 06 UK02 2006 0007	London Overground Rail Operations Ltd	7 Nov 2007 UK02 2007 0012
C2C Rail Ltd	28 Nov 05 UK02 2005 0015	Northern Rail Ltd	28 Nov 05 UK02 2005 0067
Chiltern Railway Company Ltd	28 Nov 05 UK02 2005 0019	OQS Rail Ltd	20 Sep 06 UK02 2006 0010
East Coast Main Line Company Ltd	20 Sep 06 UK02 2006 0006	Orchard Rail Ltd	20 Sep 06 UK02 2006 0011
East Midlands Trains Ltd	6 Nov 2007 UK02 2007 0009	Rail for London Ltd	25 Oct 2007 UK02 2007 0008
First Capital Connect Ltd	29 Mar 06 UK02 2006 0004	SOLR1 Ltd	10 Oct 2007 UK02 2007 0006
First Greater Western Ltd	28 Mar 06 UK02 2006 0002	SOLR2 Ltd	10 Oct 2007 UK02 2007 0007
First ScotRail Ltd	28 Nov 05 UK02 2005 0035	South Eastern Trains Ltd	28 Nov 05 UK02 2005 0077
First/Keolis Transpennine Ltd	28 Nov 05 UK02 2005 0039	Southern Railway Ltd	11 Sep 09 UK02 2009 0002
Golding's Rail Ltd	20 Sep 06 UK02 2006 0008	Stagecoach South Western Trains Ltd	26 Jan 07 UK02 2007 0001
Grand Central Railway Company Ltd	4 Jun 07 UK02 2007 0003	Strutton Rail Ltd	20 Sep 06 UK02 2006 0012
Hay's Rail Ltd	20 Sep 06 UK02 2006 0009	West Coast Trains Ltd (Virgin Trains)	28 Nov 05 UK02 2005 0083
Hull Trains Ltd	28 Nov 05 UK02 2005 0055	Westminster Rail Ltd	20 Sep 06 UK02 2006 0013
London and Birmingham Railway Ltd	7 Nov 2007 UK02 2007 0011	Wrexham Shropshire and Marylebone Railway Company Ltd	19 Mar 2008 UK02 2008 0001
London and South Eastern Railway Ltd	28 Mar 06 UK02 2006 0003	XC Trains Ltd	7 Nov 2007 UK02 2007 0010

Modifications

The modifications for each SNRP listed in this schedule 3 are:

A. Table of contents

Between 'Condition 3:' and 'Through Tickets', insert: [Passenger rights,](#)

B. Interpretation

Insert between the definitions of LTUC and the RPC: ["the PRO Regulation" means Regulation \(EC\) No. 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations.](#)

C. Condition 3

Insert after 'Condition 3:': [Passenger rights,](#)

Insert after 'tickets' at the end of condition 3(1)(d): [and the PRO Regulation](#)

Insert after 'as shall have been approved by the Secretary of State': [or are required to ensure arrangements reflect the provisions of the PRO Regulation listed in paragraph 2](#)

Insert new paragraph 2: [2. The SNRP holder shall comply with article 9 of the PRO Regulation.](#)

D. Condition 5

Insert after 'section 71B of the Act' at 5(2): [and to articles 19 and 20\(1\) of the PRO Regulation](#)

E. Condition 7

Insert after 'Part I of the Act' at paragraph 1: [including the handling of complaints made about an alleged infringement of the PRO Regulation](#)

Schedule 4: Eurostar

The statement of national regulatory provisions (SNRPs) and station licence subject to this schedule 4, with date of issue and reference numbers, are:

SNRP holder	Date and number	Station licence holder	Date and number
Eurostar International Limited	28 Nov 2005 UK0220050027	Eurostar International Limited	31 March 1994 UK0319940001

The modifications to the **SNRP** listed in this schedule 4 are:

A. Table of contents

Insert: [Condition 3: Passenger rights](#)

B. Interpretation

Insert between the definitions of LTUC and the RPC: ["the PRO Regulation" means Regulation \(EC\) No. 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations.](#)

C. Condition 3.

Insert new condition and title: [Condition 3: Passenger rights](#)

Insert new paragraph 1: [1. Not used.](#)

Insert new paragraph 2: [2. The SNRP holder shall comply with articles 4-10, 15-18 and 28-29 of the PRO Regulation.](#)

D. Condition 5

Insert after 'section 71B of the Act' at 5(2): [and to articles 19 to 24 of the PRO Regulation](#)

E. Condition 6

Insert after 'customers and potential customers' in paragraph 1: [and shall comply with article 27 of the PRO Regulation](#)

F. Condition 7

Insert after 'Part I of the Act' in paragraph 1: [including the handling of complaints made about an alleged infringement of the PRO Regulation](#)

The modifications to the **station licence** listed in this schedule 4 are:

A. Table of contents

Insert as appropriate: Condition 3: Passenger rights

B. Interpretation

Insert between the definitions of LTUC and the RPC: “the PRO Regulation” means Regulation (EC) No. 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers’ rights and obligations.

C. Condition 3

Insert new condition and title Condition 3: Passenger rights

Insert new paragraph 1: 1. Not used.

Insert new paragraph 2: 2. The SNRP holder shall comply with articles 18 and 29 of the PRO Regulation.

D. Condition 5

Insert after ‘section 71B of the Act’ at 5(2): and to articles 19(1), 21, 22 and 24 of the PRO Regulation

E. Condition 7

Insert after ‘the Channel Tunnel Act 1987’ in paragraph 1: including the handling of complaints made about an alleged infringement of the PRO Regulation