

Les Waters
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18 September 2020

Stewart Smith
Rail Express Systems Limited
Lakeside Business Park
Carolina Way
Doncaster
South Yorkshire
DN4 5PN

Dear Stewart,

Rail Passengers' Rights and Obligations Regulation – complaints handling

Thank you for your letter dated 10 July 2020, concerning the requirements of the Rail Passengers' Rights and Obligations Regulations 2010¹ (the "RPRO 2010"), that came into force on 3 December 2019.

Your response related to our letters dated 25 June 2020², concerning our proposed handling of 'traction-only' operators and the RPRO 2010, and our letter of 1 July 2020³, regarding our proposals of how to incorporate the complaints handling requirements of the RPRO 2010 into the Rail Express Systems Limited's ("RES") SNRP.

You confirmed that RES has been operating a traction-only (haulage-only) service for third parties with no direct relationship with passengers.

From the options we gave in our letter, you stated that your preference is for your SNRP's modification to be limited only to the inclusion of a reference to article 27 of the RPRO 2010. We agreed that this modification should be made as soon as possible – the modification we propose to make is shown in the Annex below in red.

You also considered that, subsequent to the 'article 27' modification, it would be worthwhile to future-proof the SNRP - this would probably require adding condition 6 (the complaints handling condition) to your SNRP so that it is ready to be used in the event that RES decides to change its business model, for example, to start marketing or selling tickets to passengers. We will be carrying out a review of our guidance on complaints handling procedures for licence holders and will include you as part of this review to assist with any future modifications to your SNRP regarding this condition.

As long as RES continues not to offer such services which create a direct relationship with passengers, we consider that your preferred approach is sufficient, but please inform us if RES does subsequently intend to offer such services before this work on condition 6 concludes.

¹ https://www.legislation.gov.uk/ukxi/2010/1504/pdfs/ukxi_20101504_en.pdf

² <https://bit.ly/2FKOM14>

³ This letter was sent directly to RES and will be published subsequently on our website.



If you wish to comment on the drafting proposal, please respond to me by **2 October 2020**.

This letter will be copied to Nigel Oatway and, in the interests of transparency, a copy will also be placed on our website.

Yours sincerely

A handwritten signature in blue ink that reads 'Les Waters'. The signature is written in a cursive, flowing style.

Les Waters

Annex

Condition 3: Passenger Rights

1. Not used.
2. The SNRP holder shall comply with [articles 4-10, 15-18 and 27-29](#) of the PRO Regulation.