

Stephanie Tobyn
Deputy Director, Consumers



Managing Directors
Independent Rail Retailers

8 October 2020

Dear Independent Rail Retailer,

Compliance with consumer law: passenger journey information

ORR has written today to train operators regarding their compliance with condition 4 of their licence and under consumer law. In particular, their obligations to provide information to passengers when timetables are not confirmed. The purpose of this letter is to ensure that independent rail retailers fully understand their distinct obligations in consumer law, for providing information to passengers when timetables are not confirmed.

Consumer law requirements

In March 2018, we wrote to independent rail retailers¹ to remind them of their obligations to provide 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.

In the context of our role as a designated enforcer under Part 8 of the Enterprise Act 2002, we drew attention to The Consumer Protection from Unfair Trading Regulations 2008 (CPRs) and highlighted that obligations under the CPR's apply not only to train operating companies but also to companies who are independent retailers of rail tickets.

The information that individual passengers need may vary depending on the type of ticket they are buying, the purpose of their journey, or the individual requirements of the passenger. Rail ticket retailers should ensure that passengers are provided with all the information they may need to enable them to choose, buy and use the most appropriate ticket for their journey.

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

¹ <https://www.orr.gov.uk/sites/default/files/om/compliance-with-consumer-law-regarding-providing-information-to-passengers-2018-03-29.pdf>

that is unclear, unintelligible, ambiguous or untimely could all potentially infringe the CPRs.

We recognise that it can be difficult to keep information accurate in rapidly changing situations and this applies equally if not more so during the current pandemic. Nevertheless, we remain concerned about the accuracy of information provided to passengers and the possible adverse impact on them.

Key principles

In our March 2018 letter, we set out key principles to which we expect rail ticket retailers, whether a train operating company or an independent ticket retailer, to adhere in order to ensure they are taking all the necessary steps to provide appropriate, accurate and timely information to passengers when timetables are not confirmed.

We have reviewed and where necessary updated these to ensure that they remain current:

- 1. Be open about the impact on all passengers of the challenges rail ticket retailers face. Take responsibility for ensuring that passengers can get the information needed to plan and make their journey as that information comes available;**
- 2. Passengers should not have to look at multiple sources of information to get the information that they need; information and warning messages should be consistent across all main information sources, e.g. website journey planner, ticket engine and National Rail Enquiries;**
- 3. It is necessary to provide clear information on the availability of advance tickets, what is available and when, to help passengers plan journeys even when the timetable is uncertain; and**
- 4. Where timetables are not confirmed, information about their current status should be accurate and updated frequently.**

If you have any questions regarding this matter, please contact me at the email address provided above. We will publish this letter on our website.

Yours sincerely,

A handwritten signature in cursive script that reads 'Stephanie Tobyn'.

Stephanie Tobyn