



Notice of statutory consultation on changes to modify licences and SNRPs

To the holders of:

Passenger SNRPS
Passenger Train Licences

Which are listed at Annex B to this notice

From:

Stephanie Tobyne
Deputy Director, Consumers, Railway Markets and Economics

E-mail: compensation.consultation@orr.gov.uk

31 August 2021

Notice of statutory consultation on changes to passenger train licences and passenger SNRPs to include a Delay Compensation licence condition.

ORR hereby gives notice under Section 12(2) of the Railways Act 1993, and Regulation 13(2) of the Railway (Licensing of Railway Undertakings) Regulation 2005, of its proposals to amend passenger train licences and passenger Statements of National Regulatory Provisions to include a new condition on Delay Compensation. The purpose of the new licence condition is to require compliance with a Code of Practice on delay compensation.

Proposed new licence condition

The proposed new licence condition is contained in Annex A to this Notice. The proposed licence condition will require all train companies in scope to comply with a Code of Practice (CoP), published separately¹.

The proposed modifications will be implemented in the licences and SNRPs of the passenger train operators listed in Annex B, and come into effect on 1 April 2022.

¹ <https://www.orr.gov.uk/media/22705> : Annex A

Effect and reasons for the new licence condition

A detailed explanation of the proposed new licence condition and our reasons for proposing it is set out in our 31 August document “*ORR proposals to modify licences to introduce a delay compensation licence condition requiring compliance with a new code of practice on delay compensation*”². This document also includes the revised Code of Practice.

Over the past two years ORR has also developed our proposals through engagement and discussion with industry and government. We have published the following documents:

- [Improving delay compensation and accessibility for passengers: ORR’s advice to the Williams Rail Review](#); published July 2019
- [Consultation on improving access to delay compensation](#); first consultation, published June 2020
- [Improving access to delay compensation – Consultation response and second consultation](#); published May 2021

Annexed to this notice is:

- I. **Annex A:** containing the text of the proposed new delay compensation licence condition.
- II. **Annex B:** containing a table of affected passenger train licence holders and SNRP holders, and showing the relevant place where the new condition will be inserted.

We request the written consent of licence and SNRP holders in order to make the modifications. All representations should be sent to us by 28 September 2021, to compensation.consultation@orr.gov.uk

If we do not receive the consent required, we will consider referring the matter to the Competition and Markets Authority under Section 13(1) of the Railways Act 1993 and / or Schedule 3 of the Railway (Licensing of Railway Undertakings) Regulations 2005, as appropriate.

This notice is being published on our website.

Stephanie Toby

² <https://www.orr.gov.uk/media/22705>

ANNEX A: Revised draft of new licence condition.

29: Delay Compensation.

[Proposal for inclusion in the licence holder's SNRP or passenger licence]:

1. The [SNRP / licence] holder shall comply with the Delay Compensation Code of Practice.

2. For the purposes of this Condition
 - "Delay Compensation Code of Practice" means the delay compensation code of practice published by ORR, and as may be amended by ORR from time to time.
 - "delay compensation" means the compensation to which passengers are entitled if they are travelling and experience a delay (above a given threshold), arriving at their destination late due to a cancelled or delayed service.

ANNEX B: Notice of licence modification

The table below indicates the relevant licence/SNRP holders that will be affected by the additional Delay Compensation Licence Condition 29 modification. We propose to implement the change from 1 April 2022.

Operator	Licence number
Abellio East Anglia Limited	UK 02 2016 0003
Abellio East Midlands Trains Limited	UK 02 2019 0001
Abellio ScotRail Ltd	UK 02 2015 0003
Arriva Rail London Limited	UK 03 2016 0007
DfT OLR10 Limited (now named TransPennine Trains Limited)	UK 02 2020 0004
DfT OLR11 Limited (now named Chiltern Rail Limited)	UK 02 2020 0005
DfT OLR12 Limited (now named WM Trains Limited)	UK 02 2020 0006
DfT OLR13 Limited (now named Midlands Trains Limited)	UK 02 2020 0007
DfT OLR14 Limited (now named Thameslink Southern Great Northern Limited)	UK 02 2020 0008
DfT OLR2 Limited (now named SE Trains Limited)	UK 02 2006 0009
DfT OLR4 Limited (now named Greater Western Railway Limited)	UK 02 2006 0013
DfT OLR5 Limited (now named South Western Railway Limited)	UK 02 2006 0008
DfT OLR6 Limited (now named Cross Country Rail Limited)	UK 02 2006 0007
DfT OLR7 Limited (now named c2c Railway Limited)	UK 02 2006 0011
DfT OLR8 Limited (now named Railway West Coast Limited)	UK 02 2020 0002

DfT OLR9 Limited (now named GA Trains Limited)	UK 02 2020 0003
First Greater Western Limited	UK 02 2006 0002
First MTR South Western Trains Limited	UK 02 2017 0002
First TransPennine Express Ltd	UK 02 2016 0001
First Trenitalia West Coast Rail Limited trading as Avanti West Coast	UK 02 2019 0002
Govia Thameslink Railway Limited	UK 02 2014 0002
Grand Central Railway Company Limited	UK 02 2007 0003
Heathrow Express Operating Co Limited	UK 02 2014 0001
Hull Trains Company Limited	UK 02 2005 0055
London and South Eastern Railway Limited	UK 02 2006 0003
London North Eastern Railway Limited	UK 02 2006 0012
Merseyrail Electrics 2002 Limited	UK 03 2003 11
Merseyrail Passenger Transport Services Ltd (OLR)	UK 03 2014 0004
Northern Trains Limited	UK 02 2006 0010
Rail for London Limited (OLR)	UK 02 2007 0008
Serco Caledonian Sleepers Limited	UK 02 2015 0001
SOLR 1 Limited	UK 02 2007 0006
SOLR 2 Limited	UK 02 2007 0007
The Chiltern Railway Company Ltd	UK 02 2005 0019
Transport for Wales Rail Ltd	UK 02 2020 0001
Trenitalia c2c Limited	UK 02 2014 0003
West Midlands Trains Limited	UK 02 2017 0003
XC Trains Ltd	UK 02 2007 0010