Consultation document: review of the Code of Practice on retail information for rail tickets and services (HTML)

Introduction

Background

The Code of Practice on retail information for rail tickets and services (the '2015 Code of Practice') was developed by a cross-industry group comprising of train operators, third-party retailers, Office of Rail and Road (ORR), and Transport Focus, following the Department for Transport's Rail Fares and Ticketing: Next Steps report in 2013. It was agreed and published by the Association of Train Operating Companies (ATOC) in March 2015.

Its primary purpose was to provide guidance for train operators and third-party retailers on, and promoting best practice in, meeting consumer law and industry standards associated with the provision of information to passengers in connection with the sale and use of rail products and services.

In September 2015, we published a short Update and Next Steps document which set out some actions retailers had taken in response to the 2015 Code of Practice and some common challenges which needed to be more fully understood and overcome.

Subsequently, the rail industry and retailers have implemented changes and improvements to their retailing practices as new rail products emerge and technology evolves.

Rail retailing

Rail tickets are available for consumers to purchase from a range of channels – online from

websites and apps, and in-person at stations – at ticket offices and from ticket vending machines.

Tickets and other rail products are available from a range of retailers, including train operators, and third-party retailers who operate on a commercial basis under an agency agreement from the Rail Delivery Group (RDG). For the purposes of this document, 'retailers' encompasses both train operators and third-party retailers.

Annual passenger revenue across all retail channels is estimated to be around £11.5bn [source: ORR Data Portal: Passenger rail usage, January to March 2025].

Rail retailing has evolved over time, with a smaller proportion of tickets now bought face-to-face at the station, and a growing proportion bought online using websites and apps – it is estimated that 77% of passengers now buy online [source: Department for Transport: Ticket purchasing behaviour and preferences among rail passengers, p6].

ORR's consumer law powers

ORR is a designated enforcer of consumer law under Part 3 of the Digital Markets, Competition and Consumers Act 2024, concurrent with the Competition and Markets Authority (CMA). This means we can take enforcement action in relation to breaches of consumer law in the rail sector.

This provides our vires in respect of rail ticket retailing, and ensuring that passengers are able to choose, buy and use the most appropriate ticket for their journey.

Structure of the document

This document sets out the rationale for reviewing the 2015 Code of Practice, and the changes made to the the content. It concludes by explaining the next steps, including how interested parties can submit their responses to this consultation.

Annex A summarises the consultation questions, and a copy of the proposed Guidance is attached at Annex B.

Review of the 2015 Code of Practice

Rationale for the Review

Much has changed in rail retailing, as well in the consumer protection legislative landscape, since the 2015 Code of Practice was published.

Rail retailing has seen a rapid increase in online sales, through both websites and apps, alongside the emergence of new ticket types, products and services. As rail retailing evolves, retailers must ensure ongoing compliance with their consumer law obligations.

Some rail industry organisations have changed their names, including:

- Office of Rail Regulation is now Office of Rail and Road;
- Passenger Focus is now Transport Focus; and
- Association of Train Operating Companies has been succeeded by Rail Delivery Group.

There have also been significant changes to the consumer protection legislative framework since 2015, with the Consumer Rights Act 2015 taking effect in October 2015 (and for passenger rail services in October 2016), and the Digital Markets, Competition and Consumer Act 2024 (DMCCA) consumer provisions taking effect in April 2025.

We stated in our Business Plan 2025/6 that we would complete a review of the 2015 Code of Practice in Q3.

Change from Code of Practice to Guidance

The current version is called a "Code of Practice". However, we are proposing that the new edition is rebadged as "Guidance on Rail Retailing".

The reason for this is the document does not contain any legal requirements or obligations itself and is not directly enforceable. Instead its primary aim is to explain, or provide guidance, to retailers on how consumer law may apply in the rail retailing market.

We are also of the view that interested consumers may find the Guidance helpful, in that it sets out what they should expect from retailers. We have therefore tried to make the document more user-friendly for consumers, and more streamlined to improve accessibility.

Consultation question 1: Do you think that the Guidance achieves its purpose for its intended audience (i.e. retailers, as well as interested consumers)? Please provide any comments or feedback.

Updates to consumer protection legislation

There is a range of consumer legislation applicable to the retailing of rail products and services, and we have set out a list of the relevant consumer legislation that ORR can enforce the Guidance. This has changed since the Code of Practice was developed in 2014/15.

The 2015 Code of Practice was based on the Consumer Protection from Unfair Trading Regulations 2008 (CPRs) but the unfair commercial practices regime has since been revoked and restated (with minor amendments) in the DMCCA. The DMCCA also enhanced the consumer law enforcement framework, as well as strengthening provisions related to specific behaviours such as drip-pricing. We have referenced in our draft Guidance the CMA's Guidance on price transparency which is currently in draft form, and will be finalised and published in due course.

The Consumer Rights Act 2015 took effect in October 2015, with the provisions coming into force for passenger rail services in October 2016. This strengthens consumers' right to a refund and also prohibits unfair or imbalanced contract terms.

The scope of the 2015 Code of Practice covered only retailers' obligations when consumers are purchasing rail tickets, products and services and by considering only consumer law that ORR has, or will have, powers to enforce; we have retained this scope for the new Guidance.

The 2015 Code of Practice gave some guidance on how to comply with 'industry standards'. We have since assessed existing 'industry standards' which relate to ticket retailing and have concluded that the key standards (e.g. in the Ticketing & Settlement Agreement) are otherwise covered in consumer law. For this reason, we have chosen to omit any reference to 'industry standards' in the new Guidance.

As before, the Guidance is not intended to be a binding interpretation of the application of consumer law to rail retailing, nor to replace retailers' own legal advice.

Stakeholder engagement during our review

We have carried out a range of informal stakeholder engagement as part of our review. For example, we have informally consulted on the principles and case studies with Transport Focus,

RDG and CMA, and we would like to thank them for their constructive engagement.

Content of the Guidance

Principles

The 2015 Code of Practice focused on four key principles, primarily reflecting the key provisions relating to misleading commercial practices in the CPRs, which were:

- Principle 1 – retailers should provide passengers with the information they need to make informed decisions;
- Principle 2 – retailers should provide the information that passengers need in a way that is clear, intelligible, unambiguous and timely;
- Principle 3 – the information retailers provide should be accurate, truthful and should not be provided in such a way as it might deceive, even if factually correct; and
- Principle 4 – retailers should make it clear what tickets are/are not available at each sales channel and the basis on which they identify and recommend tickets to passengers.

In the Guidance, we have refined these principles to reflect the relevant consumer protection legislation now in force.

We are proposing an overarching Core Principle – retailers must provide passengers with the information they need to make informed purchasing decisions. This is fundamental to passengers being able to choose, buy and use the most appropriate rail ticket for their journey.

This Core Principle is underpinned by four additional Principles:

- Principle A – retailers should provide the information that passengers need clearly, and where they are likely to see it.
    - This aims to focus on the content of the information provided to passengers; this is the 'what'.
- Principle B – the information retailers provide should be accurate, truthful and should not be provided in such a way as it might deceive, even if factually correct;
    - This aims to focus on the way in which information is provided; this is the 'how'.
- Principle C – retailers should provide information in a timely manner, including at the relevant stages of the purchasing process;
    - This aims to focus on the timing of the provision of information; this is the 'when'.

- Principle D – retailers should make it clear where relevant information is omitted or restricted which may be material to the passenger's purchasing decision.
    - This aims to reflect the space constraints associated with certain retail channels such as apps and TVMs, and the consequential restrictions on information provision, with a focus on signposting to where complete information can be accessed; the 'limits'.

Consultation question 2: Do these new principles achieve their intended purpose? Please provide any comments or feedback.

Key information

When developing the original Code of Practice, we commissioned a consultancy to carry out research into the types of information that are relevant to passengers when buying rail tickets and products. This then informed the list in Principle 1 of the 2015 Code of Practice on information which should be provided to passengers.

We have revisited this list of information and our view is that overall it remains valid. We have made some amendments to it to:

- reflect the increased focus on the transparency of fees in the row labelled 'Total Price';
- reflect the terms and conditions which apply to a particular ticket types, in the row labelled 'Key terms and conditions';
- reflect the usage of admin fees in some circumstances for ticket refund claims, in the row labelled 'Compensation and refund rights and arrangements';
- reflect the importance of information to some passengers about the accessibility of trains and stations, adding a row labelled 'Accessibility of trains and stations';
- reflect the scope of restrictions on taking articles on the train to include animals, in the row labelled 'Arrangements for travelling with luggage and other articles'; and
- better explain the type of information which passengers may need about first class travel, in the row labelled 'Class of travel'.

Consultation question 3: Is this list of information sufficiently comprehensive? Please provide any comments or feedback.

Case studies

The 2015 Code of Practice also included a table under each Principle which aimed to add some colour and context to the legislative requirements and provide examples of what behaviours/ information provision were more likely to comply and what was less likely to comply.

We have reviewed these and have consolidated them in the Guidance into a section of 'case studies' towards the end of the document, with the aim of setting out how the Principles could apply in a rail retailing context. We have added a number of additional topics to reflect current issues and recent developments, such as the transparency of fees and journey planning information.

Consultation question 4: Are the case studies helpful in adding context from a rail retailing perspective to the legislative requirements? Are there any other current topics which you think should be included in the case studies?

Consultation question 5: Do you have any additional comments or feedback you would like to provide which are relevant to our proposals?

Next steps

In summary, the purpose of this consultation is to seek views on the revised and renamed Guidance on rail retailing, including:

- the intended audience of the Guidance
- the principles which aim to summarise the requirements in relevant consumer protection legislation
- the information that is relevant to passengers when buying rail tickets and products
- the case studies which set out how the principles could apply in a rail retailing context

Although we are leading the review of this Guidance, we want retailers and passenger representative groups in particular to provide input to its development and content, as they are the key audience. However, we welcome feedback from anyone interested in this work.

You are invited to respond to this consultation by the closing date of **11 November 2025**. You can respond by respond via our online form, email to consumer@orr.gov.uk, or by post to:

Rail Retailing Guidance Consultation
Office of Rail and Road
25 Cabot Square
London
E14 4QZ

Publication of responses

We plan to publish all responses to this consultation on our website. Should you wish for any information in your response to be treated as confidential, please state your request clearly and explain the reasons why by following the process we provide below.

Please be aware that information may be subject to publication, or release to other parties or to disclosure, in accordance with the access to information regimes. These regimes are primarily the Freedom of Information Act 2000 (FOIA), the General Data Protection Regulation (GDPR), the Data Protection Act 2018 (DPA) and the Environmental Information Regulations 2004.

Under the FOIA, there is a statutory code of practice which deals, amongst other things, with obligations of confidence. In view of this, if you are seeking confidentiality for information you are providing, please explain why. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on ORR.

We may use Copilot to help analyse the responses to this consultation. Your data will not be used to train AI models and will not be shared or copied outside ORR. The data will only be accessed and used by those ORR staff authorised to do so. ORR staff will monitor and review the outputs to ensure accuracy.

If you are seeking to make a response in confidence, we would also be grateful if you would annex any confidential information, or provide a non-confidential summary, so that we can publish the non-confidential aspects of your response.

Annex A – Summary of consultation questions

Consultation question 1: Do you think that the Guidance achieves its purpose for its intended

audience (i.e. retailers, as well as interested consumers)? Please provide any comments or feedback.

Consultation question 2: Do these new principles achieve their intended purpose? Please provide any comments or feedback.

Consultation question 3: Is this list of information sufficiently comprehensive? Please provide any comments or feedback.

Consultation question 4: Are the case studies helpful in adding context from a rail retailing perspective to the legislative requirements? Are there any other current topics which you think should be included in the case studies?

Consultation question 5: Do you have any additional comments or feedback you would like to provide which are relevant to our proposals?

Annex B – draft Guidance

- Guidance on rail retailing: draft for consultation