

**Stephanie Tobyn**  
Director Consumers and Scotland



Managing Directors  
Third-party retailers

25 June 2021

Dear Colleague

## **Passenger impact report – Hitachi class 800 trains**

We have published today the results of our review of the impact on passengers following the Hitachi class 800 trains disruption. Whilst this work focussed on the information provided by the four train companies affected by the disruption and National Rail Enquiries (NRE) over the weekend of 8 May and over the following period to 21 May, we also examined the information provided by third-party retailers. The purpose of this letter is to bring the results of our review to your attention, and in particular to remind you about obligations in relation to ticket refunds.

### **Background**

As you will be aware, alongside our review of the issues surrounding the safety issues with the Hitachi class 800 trains, ORR initiated a review of the impact on passengers of the resultant disruption. In particular, we considered the consistency and clarity of travel information, ticket refund rights, advice to passengers about alternative travel arrangements and ticket acceptance, and contact with passengers who had booked assistance. Our consideration of the communication of ticket refund rights also included a review of the information provided by third-party retailers.

### **Findings - ticket refunds**

It is important that passengers can access the information they need to understand their eligibility for a refund and are not faced with charges for doing so. In our review, we identified a number of areas where improvements in the information provided to passengers in future, including by third-party retailers, should be considered. In particular, we found the provision of clear and consistent information about the ability to claim a refund and the application of an administration fee to be inconsistent or absent in this instance. Therefore, it may be helpful to remind third-party retailers about our expectations in this area.

The National Rail Conditions of Travel contain the key contractual rights and terms relating to refunds. Under consumer law, consumers must be provided with material information, for example about their rights. This will help to ensure that they are not confused or misled about their existing contractual rights during the current disruption, a consequence of which could mean passengers not accessing the refunds to which they are entitled.



As you will be aware, we set out our expectations to in this area to you by email on 13 May 2021. Following publication of our review, we have written in similar terms to all train operators. We intend to come back to the issue of ticket refunds as part of our forward work plan.

We have also written to train operators to set out our findings regarding the clarity and consistency of refund information and to reiterate our expectations in this area.

Yours sincerely

A handwritten signature in cursive script, reading 'Stephanie Tobyn', is positioned below the closing text.

**Stephanie Tobyn**