

Stephanie Tobyn  
Deputy Director, Consumers

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Clare Gilmartin  
CEO  
The Trainline

Dear Clare,

## Provision of information to passengers when booking tickets

On 29 March 2018, John Larkinson wrote<sup>1</sup> to third party retailers to remind you of ORR's role as a designated enforcer under Part 8 of the Enterprise Act 2002, and our powers regarding rail passengers and the companies from whom they purchase services. In this respect Trainline is a third party retailer, utilising a branded web, app and call centre channel. Industry figures from 2016/17 indicate that Trainline was the largest single online retailer for rail tickets, accounting for almost half of all tickets issued.

It is important that all parties, including third-party retailers, ensure that they are providing consumers with the information that is material to their decision for example, to buy a ticket or exercise their rights, and do so in a way that is clear, unambiguous, and timely. In this context, **it is important that we meet with you urgently** to discuss your online sales process and the lack of warning information (icons and messages) that are shown when passengers use the National Rail Enquiries (NRE) website. This can be in the form of a face-to-face meeting or call.

Separately we understand that Trainline is also the supplier of "white label" website Ticket Issuing Systems (webTIS), mobile web and mobile app services to nine train operators. We have recently sent similar letters to each train operator using a Trainline white label product, also requesting further discussion with them on key aspects of their online sales process. Many of these operators have referred to Trainline as their supplier in this area and we expect they will wish to engage you in further discussion regarding the issues that we are raising with them.

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<sup>1</sup> [http://orr.gov.uk/data/assets/pdf\\_file/0019/27361/compliance-with-consumer-law-regarding-providing-information-to-passengers-2018-03-29.pdf](http://orr.gov.uk/data/assets/pdf_file/0019/27361/compliance-with-consumer-law-regarding-providing-information-to-passengers-2018-03-29.pdf)

Our powers enable us to act where there is a breach of consumer protection laws having an adverse impact on passengers. A key set of rules are The Consumer Protection from Unfair Trading Regulations 2008 (CPRs). These prohibit unfair, misleading, and aggressive commercial practices. It is important to note that obligations under the CPR's apply not only to train operating companies but also to companies who are third-party retailers of tickets. For information, our approach to enforcing general consumer law in services relating to railways is described in more detail on our website<sup>2</sup>.

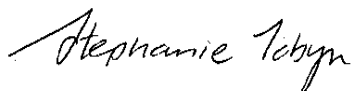
We need to be assured that passengers are being provided with appropriate, accurate and timely information to enable them to plan and make their journeys with a reasonable degree of assurance. In this regard, we consider that a lack of messaging on ticket engines is unacceptable. Where changes are planned to your systems we need to have evidence of a firm commitment and a delivery date that is within a reasonable timescale.

Information provided in reply to our letters and in the discussions will be considered alongside the results of our monitoring of websites when we take a decision on whether to commence our formal enforcement process<sup>3</sup>.

### **Next steps**

I would be grateful if you could confirm receipt of this letter by return e-mail indicating your availability to meet based on the options given in the covering e-mail. We will be placing a copy of this letter and any further correspondence regarding this issue, on our website<sup>4</sup>.

Yours sincerely



**Stephanie Tobyn**

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<sup>2</sup> [http://orr.gov.uk/\\_data/assets/pdf\\_file/0017/5552/guidance\\_on\\_our\\_consumer\\_law\\_role\\_310310.pdf](http://orr.gov.uk/_data/assets/pdf_file/0017/5552/guidance_on_our_consumer_law_role_310310.pdf)

<sup>3</sup> <http://orr.gov.uk/rail/rail-enforcement-powers>

<sup>4</sup> Information about our Informed Traveller investigation is on the ORR website at <http://orr.gov.uk/rail/consumers/rail-timetable-issues>. Strand 2 is the part of the investigation looking at information provided to passengers