

Towards a code of practice on retail information

September 2014



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1. Introduction

Background

1.1 Rail travel has grown significantly over the last few years, with many thousands of journeys made successfully every day. Many people that had not previously travelled by train are now using the railways more regularly, and the growth in the railways has continued despite difficult economic conditions. Success has also been seen in the range of products and wide variety of ticket retail channels available to passengers.

1.2 In order for passengers to capitalise on the choices available to them, plan their journeys with confidence, and feel that they are getting value for money they, like consumers in other sectors, need good information in order to make informed decisions – to enable them to select the most appropriate ticket for their journey (and choose from the other services that might available to them), to understand how they can use their ticket, and to exercise their rights.

1.3 On one level, train tickets are relatively straightforward, with four distinct ticket types (Anytime, Off-peak, Advance and Season tickets) offering different levels of flexibility against price.

1.4 However, behind this relative simplicity sits some complicated rules about, for example, the time at which individual tickets can be used, the route that can be taken, or whether/where a passenger can get on and off a train, as well as varying rules about when a passenger can get a refund or when they might be eligible for compensation – information that is important when deciding what is the best ticket to buy and understanding how to use it.

1.5 In addition to the choice of ticket, train operating companies (TOCs) also offer a range of additional services for passengers to help facilitate their use of the railways or add to their journey experience. The availability of these services, which includes on-board Wi-Fi or catering facilities and assistance for disabled passengers, might also have a bearing on their purchasing decision.

1.6 Our previous work on ticket ‘complexity’¹, published in June 2012, found that understanding of ticket restrictions and validities varied amongst passengers. More recently, our work on compensation and refunds² showed a lack of awareness amongst passengers of their refund rights and right to compensation

¹ http://orr.gov.uk/_data/assets/pdf_file/0018/4905/ticket-complexity-report-june-2012.pdf

² <http://orr.gov.uk/publications/reports/rail-passenger-compensation-and-refund-rights>

when trains are delayed, and research we published in March this year found that there was limited awareness of the assistance available to disabled passengers when travelling by train³.

1.7 The industry has recognised that the way that it presents information could be better and has put in place a number of initiatives⁴ aimed at improving the information that is presented to passengers on tickets as well as on websites and at TVMs. It has also developed a 'toolkit' setting out a range of measures that TOCs can adopt to make passengers more aware of the arrangements for compensation for delays⁵.

1.8 In its report on fares and ticketing⁶, published in October 2013, the Department for Transport (DfT) welcomed the improvements TOCs are already making in this area but said that it wanted these to go further. To ensure all passengers get a fair deal, regardless of where they buy their ticket, it said that it wanted to see that **a Code of Practice on the provision of ticket information at the point of sale is adopted, to promote best practice in meeting consumer law and industry standards, and help ensure that ticket retailers give passengers a clear understanding of what level of service they can expect, whether from a ticket office, online, a ticket machine, or other self-service channels.**

1.9 We agreed with the DfT that, as the designated enforcer of consumer law for the railways, we would oversee the development of this Code (particularly in light of our own concerns about the quality of information provided to passengers and their understanding of ticket restrictions and their rights) and work with ticket retailers, both TOCs and third party retailers, and passenger representative groups such as Passenger Focus, to develop and agree its content.

Approach to the Code

1.10 The existing detailed industry rules around retail⁷ (which we have outlined in Annex A of this document) cover most of what you would expect from a good practice retailing framework. They also overlap significantly with consumer law, which requires that retailers provide passengers with the information they need to make an informed decision when buying a ticket.

³ http://orr.gov.uk/_data/assets/pdf_file/0010/11710/disabled-travellers-rights-awareness.pdf

⁴ See ATOC's response in our ticket complexity report - http://orr.gov.uk/_data/assets/pdf_file/0018/4905/ticket-complexity-report-june-2012.pdf

⁵ See our report on passenger compensation and refund rights - <http://orr.gov.uk/publications/reports/rail-passenger-compensation-and-refund-rights>

⁶ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/249001/fares-ticketing-next-steps.pdf, see paragraphs 3.46 to 3.54

⁷ The Ticketing and Settlement Agreement (TSA) sets out the arrangements between TOCs relating to the carriage of passengers and the retailing of tickets, including how revenue is settled. The TSA provides significant governance for how TOCs retail tickets. The TSA can be found here: <http://www.atoc.org/about-atoc/rail-settlement-plan/governance/>

1.11 For example, there are industry rules regarding the accuracy of information and the provision of certain types of information, such as train departure times. Industry rules are, however, complicated and not particularly accessible to passengers. Consumer law is more focused on the outcome, for example requiring that consumers are not misled, rather than listing in detail the information that must be provided to them, but it can be equally difficult for a passenger to interpret how the law might apply within the context of a particular practice, such as purchasing a rail ticket.

1.12 The aim of the Code is to set out in plain and accessible language some retail principles that capture obligations that sit in industry standards and in consumer law, and provide examples of what good and bad practice by retailers may look like in meeting these obligations. This should aid the industry and passengers alike in understanding where improvements need to be made or, equally importantly, where an operator's practices are fully satisfying its obligations under the law and where consumer trust is fully justified.

1.13 By way of an example, we think the OFT's "Principles for online and app-based games"⁸ provides a good model for the type of Code that could work well, setting out, as it does, a number of high-level principles which are supplemented by a more detailed explanation where appropriate and examples of practice that are more likely or less likely to comply with the principle in question.

1.14 In this context, the purpose of this consultation is to provide a framework for the development of the Code. As a starting point, therefore, it:

- indicates the type of information that passengers might need when choosing and buying tickets;
- proposes four principles for providing this information, which we think should be reflected in the Code; and
- sets this within the regulatory and consumer law context.

1.15 We want to hear from retailers and passenger and consumer groups alike, and seek views on:

- the existing regulatory structure and our interpretation of the law – have we set out the existing obligations on the industry correctly and comprehensively;
- the principles we have outlined – whether these are the right ones and likely to be sufficiently clear from a passenger and industry perspective;

⁸ <https://www.gov.uk/government/publications/principles-for-online-and-app-based-games>

- the information we think might be important to passengers – have we captured correctly all of the information that the passenger is likely to require when choosing and buying a ticket; and
- our approach – is a principles based Code set out in the way envisaged in this document likely to deliver its objective of more clarity to the industry and to the passenger on the information that should be provided and how, to help passengers choose, buy and use tickets.

1.16 We recognise that retailers already meet, or exceed, their obligations in many areas but we want to understand where there are problems or constraints and see how these can be addressed. For example, we want to understand whether there are any difficulties for retailers in providing any of the types of information we have identified whether technical or otherwise, either generally or at specific points of sale, and if so, what the solutions might be.

1.17 We also recognise that not all of the information we have identified will be relevant to all passengers all of the time, or necessary for all types of purchase through all sales channels, as the information a passenger requires may vary depending on the purpose of the journey they are making or their individual needs.

1.18 For example, while information on price, departure and arrival times and/or times at which a ticket might be used, journey duration, disruption and refund rights might be relevant to all or most passengers to enable them to weigh up the options, not all passengers will need information on the carriage of bikes or on assistance for getting on and off a train. For such passengers, the additional unrequired information may make it more difficult for them to navigate and identify the information that is relevant to them.

1.19 However, to those who do need assistance or want to take a bike, such information will be important to their decision and therefore needs to be easy to find and understand.

1.20 We also recognise that it may be unhelpful for the Code to be too prescriptive, as buying habits, technology, sales channels, and the law, are likely to develop over time and the Code will need to have an eye to such future developments, be open to review and not become an unnecessary barrier to market entry or innovation.

1.21 These are issues that we will need to discuss as the Code is developed but we welcome views on them in response to this consultation, as well as to the issues outlined above and the specific questions set out at the end of Chapters 3 and 4.

1.22 As regards enforcement of the Code, it is our intention that we will continue to use the mechanisms and arrangements that currently exist for ensuring compliance with the obligations that the Code will reflect. For example, the requirement to enter into and comply with the TSA is an obligation of licence and franchise and ORR's approach to enforcement of consumer law is set out in our published [guidance](#).

1.23 In considering the most appropriate means for ensuring compliance, we will continue to act as we do now, working with other bodies, such as the Department for Transport, to see who is best placed to take action, and engaging with the party or parties concerned to remedy the situation.

1.24 To the extent that the Code becomes the standard against which retailers' behaviour is assessed in the future it may also provide an opportunity to look again at the way in which ticket retailing is regulated with a view to further clarifying or removing regulation where it is unnecessarily prescriptive or where industry specific requirements overlap with consumer law.

The structure of this document

1.25 Chapter 2 provides an overview of how train tickets are sold and by whom, and the key regulatory and legal obligations that we think are relevant to the provision of retail information, depending on the type of retailer that is providing it.

1.26 Chapters 3 and 4 set out what we envisage will be the basis of the Code, but this will need to be supplemented by additional explanation where appropriate and examples of good practice where available.

1.27 Chapter 3 sets out the types of information that should be available to passengers when choosing and buying rail tickets. This includes general information, such as timetable information, as well ticket specific information, such as key restrictions and terms and conditions, information on passengers' rights, and information on ancillary services, such as the availability of assistance for disabled passengers.

1.28 Chapter 4 sets out some principles for the presentation of information, which draw on obligations in the TSA and consumer law. We envisage that the Code will ultimately be based on these principles, which will include reference to the types of information set out in Chapter 3, as appropriate.

1.29 Chapter 5 sets out next steps.

2. Retailing of train tickets

Introduction

2.1 In order to put the following chapters into context, this Chapter provides some background on who sells train tickets, where tickets are sold, and the obligations of those selling tickets with regard to the provision of information to passengers when doing so.

Who sells train tickets?

2.2 There are essentially two types of train ticket retailer: **train operating companies (TOCs)** and **third party retailers**⁹.

Train operating companies

2.3 Most TOCs¹⁰ operate under a franchise awarded by government¹¹, and all TOCs also have a licence¹² granted by the Office of Rail Regulation (ORR). They operate rail passenger services and sell tickets for their own services and the services of other TOCs.

Third party retailers

2.4 Third party retailers do not operate rail passenger services, but sell tickets for services operated by the TOCs. The term 'third party retailer' encompasses a number of different types of retailer, including companies who sell train tickets directly to consumers, as well as corporate travel management companies who operate in the business to business market. This consultation, and the subsequent Code of Practice, is aimed at those third party retailers who sell direct to consumers.

Where are train tickets sold?

2.5 Train tickets are sold through a number of different sales channels, including station ticket offices, ticket vending machines (TVMs) at stations, online, by telephone, and, most recently, via mobile telephone applications ('apps').

⁹ Although the Code may also be relevant to others who sell tickets for travel on the National Rail network or provide information about tickets, such as Transport for London and National Rail Enquiries

¹⁰ With the exception of 'open access' operators

¹¹ The Department for Transport in England and Wales and Transport Scotland in Scotland (some other services are operated as concessions granted by bodies such as Transport for London and Merseytravel)

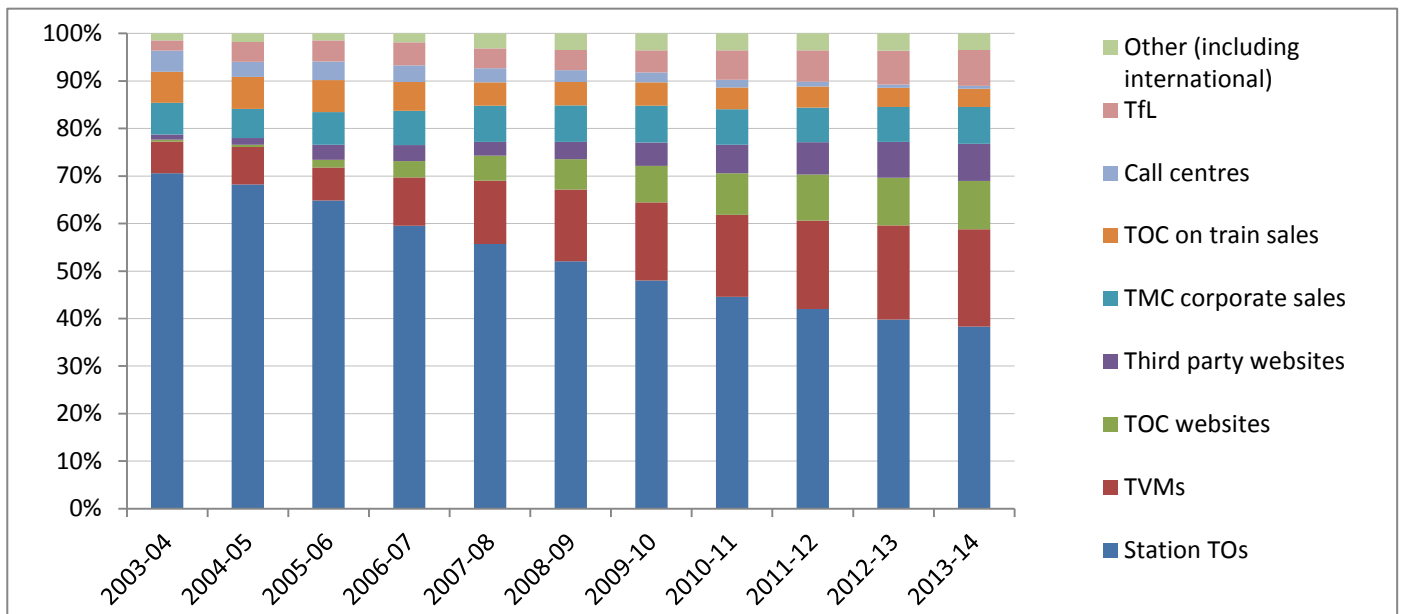
¹² Statement of National Regulatory Provisions

2.6 Different types of retailer sell tickets through different channels. For example, third party retailers do not sell tickets through ticket offices or at TVMs, although both TOCs and third party retailers sell online and through telephone sales.

2.7 As illustrated in Figure 1, station ticket offices remain the most popular sales channel, with just under 40% of total revenue to the industry coming from tickets sold through ticket offices, though this has been declining.

2.8 The next most popular sales channel is the internet, representing just under 20% of revenue (made up of both TOC and third party internet sales), and TVMs which account for 20% of revenue, both of which have seen a significant increase in market share over the last 10 years.

Figure 1: Gross receipts by retail channel, 2003/04 to 2013/14 (% of total receipts)



Source: LENNON

2.9 These trends could be the result of a number of factors. One explanation for the changes in sales channels used is that some channels are strongly correlated with the sale of certain types of products. For example, the vast majority of Advance tickets are sold through the internet, while most Anytime, Off-Peak, and Season tickets are sold either through a station ticket office or through a TVM.

Relevant consumer law and sector specific obligations

2.10 The purpose of the Code, as outlined in Chapter 1, is to promote best practice in meeting existing **consumer law** and **industry standards** relating to the information passengers get when buying train tickets.

2.11 All retailers who sell tickets to consumers, whether TOCs or third party retailers, are subject to consumer law.

2.12 In addition, TOCs are required, by their franchise agreement and/or their licence to be party to, and comply with, the Ticketing and Settlement Agreement¹³ (TSA) and its schedules¹⁴. The TSA is an intra-industry agreement covering a range of TOC activities, including the creation of rail products and the allocation and settlement of revenue between TOCs, as well as setting out industry standards for retailing.

Consumer law

2.13 In the context of providing information to passengers to help them choose, buy, and use their rail tickets, the most relevant piece of law is the Consumer Protection from Unfair Trading Regulations (CPRs).

2.14 The CPRs¹⁵ apply to commercial practices¹⁶ **before, during and after a contract is made**. They contain a general prohibition of **unfair commercial practices**, and prohibitions of **misleading and aggressive commercial practices**. They also contain a list of 31 specific commercial practices that are in all circumstances prohibited.

2.15 More detailed guidance on the CPRs can be found in the Competition and Markets Authority's publications¹⁷ but the key provisions in this context are those relating to unfair and misleading commercial practices.

2.16 An **unfair commercial practice** is one which "*contravenes the requirements of professional diligence*"¹⁸ and materially distorts or is likely to materially distort the economic behaviour of the average consumer¹⁹. For example, failure to comply with an industry standard, such as those set out in the TSA,

¹³ [http://www.atoc.org/download/clientfiles/files/RSPDocuments/TSA%20V9_8%20-%20Main%20Agreement%20\(Volume%201\).pdf](http://www.atoc.org/download/clientfiles/files/RSPDocuments/TSA%20V9_8%20-%20Main%20Agreement%20(Volume%201).pdf)

¹⁴ [http://www.atoc.org/download/clientfiles/files/RSPDocuments/TSA%20V9_8%20-%20The%20Schedules%20\(Volume%202\).pdf](http://www.atoc.org/download/clientfiles/files/RSPDocuments/TSA%20V9_8%20-%20The%20Schedules%20(Volume%202).pdf)

¹⁵ <http://www.legislation.gov.uk/ukxi/2008/1277/made>

¹⁶ "any act, omission, course of conduct, representation or commercial communication (including advertising and marketing) by a trader, which is directly connected with the promotion, sale or supply of a product to or from consumers, whether occurring before, during or after a commercial transaction (if any) in relation to a product"

¹⁷ *The Consumer Protection from Unfair Trading Regulations: a basic guide for business*, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/284446/oft979.pdf and *Consumer protection from unfair trading* https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/284442/oft1008.pdf

¹⁸ Professional diligence "means the standard of special skill and care which a trader may reasonably be expected to exercise towards consumers which is commensurate with either - (a) honest market practice in the trader's field of activity, or (b) the general principle of good faith in the trader's field of activity"

¹⁹ Whether a commercial practice breaches the general prohibition and the prohibitions relating to misleading and aggressive practices will be judged by reference to the 'average consumer', the 'average member' of a targeted group of consumers and the 'average member' of a vulnerable group of consumers (as appropriate). The concepts do not refer to actual consumers, and there is no requirement to show evidence of actual consumers being affected by an unfair commercial practice (see para. 14.28 of the CMA's guidance on consumer protection from unfair trading - https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/284442/oft1008.pdf)

might constitute an unfair commercial practice, if it materially distorts the economic behaviour of the average consumer.

2.17 A **misleading commercial practice** can be either a **misleading action** or a **misleading omission**:

- A commercial practice is a **misleading action** if it contain false information and is therefore untruthful in relation to certain matters²⁰, or its overall presentation in any way deceives or is likely to deceive the average consumer in relation to any such matters, even if the information is factually correct, and it causes or is likely to cause the average consumer to take a transactional decision²¹ they would not have otherwise taken;
- A commercial practice is a **misleading omission** if, in its factual content, taking into account certain matters²², it omits or hides “material information”²³, or provides material information in such a manner which is unclear, unintelligible, ambiguous or untimely and as a result causes or is likely to cause the average consumer to take a transactional decision they would not have taken otherwise.

2.18 Other than some high-level definitions of terms like “material information”, these prohibitions do not detail the types of information that traders are required to provide – an issue we discuss further in the next chapter.

Industry standards

2.19 As mentioned above, in addition to consumer law, TOCs are also required by the terms of their franchise agreement (if they have one) and by their licence to be party to and comply with the TSA. To the extent that the obligations in the TSA represent industry standards, then failure to comply with these may also constitute an unfair commercial practice under the CPRs (see above).

²⁰ Including the existence or nature of the product, the main characteristics of the product, the extent of the trader’s commitments, the price or the manner in which the price is calculated, and the consumers’ rights or the risks he may face. The main characteristics of the product include the availability, benefits, and risks of the product, after-sale customer assistance concerning the product, the handling of complaints about the product, the method and date of provision of the product, delivery of the product, fitness for purpose of the product, usage of the product, and specification of the product – see Regulation 5 of the CPRs

²¹ Transactional decision “*means any decision taken by a consumer, whether it is to act or to refrain from acting, concerning - (a) whether, how and on what terms to purchase, make payment in whole or in part for, retain or dispose of a product; or (b) whether, how and on what terms to exercise a contractual right in relation to a product.*”

²² This includes all the features of and circumstances of the commercial practice, the limitations of the medium used to communicate the commercial practice (including limitations of space and time), and where the medium used to communicate the commercial practice imposes limitations of space or time, any measures taken by the trader to make the information available to consumers by other means – see Regulation 6(2) of the CPRs

²³ “Material information” means the information which the average consumer needs, according to the context, to take an informed transactional decision, and any information requirement which applies in relation to a commercial communication as a result of a Community obligation. In addition, where a commercial practice is an invitation to purchase, the following information will be material if not already apparent from the context: the main characteristics of the product (to the extent appropriate to the medium by which the invitation to purchase is communicated and the product); the identity of the trader; the price, including any taxes or, where the nature of the product is such that the price cannot reasonably be calculated in advance, the manner in which the price is calculated; and, where appropriate, all addition freight, delivery or postal charges or, where such charges cannot reasonably be calculated in advance, the fact that such charges may be payable – see Regulations 6(3)&(4) of the CPRs

2.20 The TSA contains a number of provisions²⁴ which refer to the provision of information to passengers, particularly when TOCs are selling the tickets of other TOCs as well as their own.

2.21 These include: an obligation, at certain points of sale, to offer all relevant fares for a journey (including those of other TOCs) on a fair and impartial basis and to provide information that is factual, accurate and impartial – the “impartiality obligation”; to make clear to passengers whether points of sale are restricted in the tickets they offer; to provide certain information, such as train services, delays, the National Rail Conditions of Carriage, complaints handling, refunds, on-train facilities, station facilities, and reservation arrangements for seats, cycles, and disabled customers, rights and restrictions and route information.

2.22 Further detail on these obligations is provided in Annex A of this document.

²⁴ See Chapter 6 and Schedule 44 of the TSA

3. Relevant information

Introduction

3.1 The focus of this Chapter is on the types of information that passengers might need to help them make informed decisions, or that TOCs are otherwise required to provide under industry rules, and therefore, on the types of information we think should be covered by the Code and reflected in the first principle set out in the next Chapter.

What information do passengers need to make informed decisions?

3.2 The CPRs essentially require that traders provide consumers with certain information in an accurate and clear manner. This includes information on:

- the existence or nature of the product;
- the main characteristics of the product (which includes the availability, benefits, and risks of the product, after-sale customer assistance concerning the product, the handling of complaints about the product, the method and date of provision of the product, delivery of the product, fitness for purpose of the product, usage of the product, and the specification of the product);
- the extent of the trader's commitments;
- the price or the manner in which the price is calculated; and
- the consumers' rights or the risks she/he may face.

3.3 The CPRs also require that traders do not omit or hide "material information", or provide material information in such a manner which is unclear, unintelligible, ambiguous or untimely.

3.4 Information that is considered "material" is information which the average consumer needs, according to the context, to take an informed transactional decision²⁵. In addition, where a commercial practice is an invitation to purchase, the following information will be material if not already apparent from the context:

- the main characteristics of the product (to the extent appropriate to the medium by which the invitation to purchase is communicated and the product);

²⁵ and any information requirement which applies in relation to a commercial communication as a result of a Community obligation.

- the identity of the trader;
- the price, including any taxes or, where the nature of the product is such that the price cannot reasonably be calculated in advance, the manner in which the price is calculated; and
- where appropriate, all additional freight, delivery or postal charges or, where such charges cannot reasonably be calculated in advance, the fact that such charges may be payable.

3.5 In order to help establish what information might be material to passengers, we have reviewed previous research on fares and ticketing to determine where passengers have problems in understanding the choices available to them. We also commissioned some research to ask passengers what information is important to them and understand how the presentation of information impacts upon their purchase decision when buying tickets.

3.6 The results of this research, which is published alongside this consultation²⁶, found that passengers regarded the most important information (when asked to select five pieces of information from a list) to be:

- departure and arrival times (over 70% of respondents consider this information important);
- journey durations (approximately half of all respondents consider this information important);
- ticket type (i.e. Anytime, Off-peak, Advance) – although this is only relevant where passengers understand the differences between the ticket types (66% of respondents buying a Single/Return ticket consider this information important);
- travel time restrictions (60% of respondents buying a Single/Return ticket consider this information important); and
- routes and TOCs for which their ticket is valid (around 50% of Season ticket holders consider this information important).

3.7 The importance of this information is supported by our previous research on ticket complexity, which found that passengers had particular difficulties in understanding ticket restrictions and validities.

3.8 Our recent research also found that passengers attached less importance to such things as:

- information on refunds and compensation (less than 20% of respondents consider this information important) ;

²⁶ http://www.orr.gov.uk/data/assets/pdf_file/0008/14795/lse-ticket-retailing-code-of-practice-report-july-2014.pdf

- the rules on break of journey (only 7% of respondents buying a Single/Return ticket consider this information important); and
- the rules relating to duplicate season tickets (14% of Season ticket holders consider this information important).

3.9 However, the low importance attributed to some of these pieces of information may be partly because respondents didn't understand, or were unaware of, the relevant restrictions and their consequences. When a particular feature or restriction of a specific ticket type was explained to them, passengers attached much more importance to them in terms of selecting a ticket.

3.10 For example, for respondents considering the purchase of Advance tickets, after the information was explained, 86% then considered restriction information important, 68% considered break of journey information important, and 65% considered refund information important. For those buying Season tickets, once the restrictions on duplicate season tickets were explained the proportion of respondents considering this to be important increased to 81%.

3.11 Again, our previous research on compensation and refunds supports the conclusion that passengers' awareness of their rights, and possibly other key terms and conditions, is quite low. This can make it difficult for them to make informed decisions, or even to know what information they might need to consider.

3.12 In addition, our recent research also examined how the availability of different types of information impacts consumers' purchasing decisions. Respondents were asked to choose tickets based on different pieces of information, which was presented at different points in the process. Compared to a baseline of when this information was not presented at all, when participants were informed up-front about time, route and service restrictions, the likelihood of them choosing a suitable ticket increased by 9 percentage points, and when they were informed up-front about the services for which the tickets were valid, the likelihood they chose a suitable ticket increased by 21 percentage points.

Industry specific obligations

3.13 In addition to the requirements of consumer law, to which both TOCs and third party retailers are subject, the TSA contains a number of more detailed provisions that are also relevant in terms of the provision of information to passengers, to which TOCs are subject (see Annex A).

3.14 Many of these provisions specify the types of information that TOCs must provide when selling the tickets of other TOCs as well as their own, and potentially overlap with the more outcome focused requirements of consumer law (see Annex B).

3.15 The one area where the industry obligations depart significantly from consumer law is in relation to the “impartiality obligation”, which requires TOCs to sell the tickets of other train operators, as well as their own, at certain points of sale, and to do so on an “impartial” basis. Although consumer law would, to the extent that they sell a range of fares, also require TOCs to provide information about all the fares relevant to the journey a passenger wished to make.

3.16 Given the focus of the obligations in the TSA is on supporting a national retail network, it does not set out as much detail with regard to the obligations on TOCs when only selling their own tickets, although we understand that there are very few, if any, such points of sale and consumer law will also apply to these points.

Questions

- 1) Given the requirements of consumer law and industry specific obligations, do you agree that the types of information highlighted above and in the associated Annex B are the types of information that passengers need when choosing, buying and using rail tickets?
- 2) Are there other types of information that should be covered by the Code?
- 3) Are there any reasons why any of the information outlined above can't be provided at all, or certain, points of sale?
- 4) If there are points of sale at which some of the information outlined above can't be provided, or can't be provided in a form that is useful to passengers, what measures do you take to mitigate for this and ensure that passengers buying their tickets from these points of sale have the information they need to make an informed decision?

4. Principles for the presentation of information

Introduction

4.1 This Chapter outlines a number of principles relating to the presentation of retail information that we think should provide a framework for the Code. These principles are designed to ensure that passengers get the information they need, in a way that makes it easy for them to access and understand and, again, reflect the overlapping requirements of consumer law and industry specific regulation.

4.2 The principles will need to be developed and expanded as the Code is developed, adding further explanation and drawing on practical examples to highlight good and bad practice as appropriate²⁷, reflecting both general and point of sale specific issues or practices.

Principles

Principle 1 – retailers should provide passengers with the information they need to make informed decisions

4.3 This principle is based on the provision of the CPRs that a commercial practice will be a misleading omission if it omits or hides information a consumer needs to make an informed decision (“material information”).

4.4 To a certain extent it also reflects the more prescriptive provisions in the TSA (see Annex A) to provide passengers with specific types of information, for example to support the impartiality obligation specific to this sector.

Comment

4.5 The types of information that this principle would cover are set out in Chapter 3 and Annex B and include information on:

- **Timetables** – departure and arrival times; journey duration; and disruption/delays (including the operation of bus replacement services);

²⁷ See the OFT’s “Principles for online and app-based games” for an example of such an approach <https://www.gov.uk/government/publications/principles-for-online-and-app-based-games>

- **Price** – including ticket price, payment surcharges; booking fees; and delivery/fulfilment charges;
- **Validities and restrictions** – including the route(s) on which the ticket is valid and the TOC(s) with which it is valid;
- **Key terms and conditions** – including those set out in the National Rail Conditions of Carriage, and ticket specific terms and conditions, in particular key terms and conditions such as:
 - Advance tickets: a passenger can only get on/off a train at the origin and destination for which the ticket is valid and they are non-refundable;
 - Off-Peak: times during which the ticket is valid;
 - Season tickets: arrangements for duplicates if lost/stolen and refund arrangements.
- Any other terms and conditions, such as terms of sale, e.g. collection arrangements – credit/debit card must be one that was used to make booking;
- **Compensation and refund rights and arrangements;**
- **Ability to break a journey;**
- **Assistance available to passengers with disabilities;**
- **Availability of on-train services** – including: Wi-Fi and catering; and
- **Arrangements for traveling with luggage or a bike**

4.6 Certain types of information may be more important than others, and thought will need to be given as to how and when different types of information are provided (see Principle 2 below). For example, some types of information, such as timetable and price information and key terms and conditions or restrictions will need to be provided up-front, in order to have the most benefit. With other types of information it may be enough, for example, to provide links to it (where possible), provided these are clear and easy to access but practices will have to reflect the needs of passengers and the nature and characteristics of the individual sales channel or information point.

Principle 2 – retailers should present information in a way that is clear, intelligible, unambiguous and timely

4.7 This principle further reflects the provision of the CPRs that a commercial practice will be a misleading omission if it provides material information in a way that is unclear, unintelligible, ambiguous or untimely.

Comment

4.8 Retailers should provide the information referred to in Principle 1 in a way that is clear, intelligible and unambiguous and at an appropriate point in the sales process, so that passengers can make an informed purchase decision. For example:

- **retailers should avoid the use of industry jargon** and provide information in a way that is meaningful to passengers. The use of terms such as “time restrictions may apply” in relation to Off-Peak tickets or “any permitted” in relation to the route that may be used should be avoided as these do not give passengers the information they need to make an informed decision. Instead, retailers should provide specific information about the times during which the ticket is valid or invalid and the routes that may be used;
- **information that is key to passengers’ decision making should be provided up-front before a passenger agrees to make a purchase.** Our research²⁸ showed that up-front presentation of information is the most effective way of presenting information, more effective than presenting it in a pop-up, or at the ticket confirmation stage. This finding is also supported by the OFT’s Principles for online and app-based games, that consumers can make better purchasing decisions when information is provided up-front²⁹. The challenge for retailers is, across different points of sale, to ensure that passengers have access to the information they need, at the appropriate time;
- **retailers should have regard to the guidance issued by the Plain English Campaign³⁰** when developing wording for printed material and visual displays to help ensure that information is clear and intelligible; and
- **retailers should ensure that information is accessible for all users, with particular care taken in making information accessible for people with disabilities.** The Office for Disability Issues (ODI) has published guidelines³¹ to help people ensure information they want to distribute is accessible for people with disabilities. These guidelines contain detailed information about how to maximise legibility and readability of documents, for example specific fonts, font sizes and design tips regarding text alignment, simple backgrounds and contrasts.

²⁸ http://www.orr.gov.uk/_data/assets/pdf_file/0008/14795/lse-ticket-retailing-code-of-practice-report-july-2014.pdf

²⁹ http://www.of.gov.uk/shared_of/consumer-enforcement/of1519.pdf

³⁰ <http://www.plainenglish.co.uk/free-guides.html>

³¹ <http://webarchive.nationalarchives.gov.uk/20130812104657/http://odi.dwp.gov.uk/inclusive-communications/channels/publishing.php>

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

4.9 This principle reflects the provision of the CPRs that a commercial practice will be a misleading action if it contains false information and is therefore untruthful, or its overall presentation in any way deceives or is likely to deceive, even if the information is factually correct.

4.10 It also reflects various obligations in the TSA to provide information that is “factual, accurate and impartial” and “not to give any information which it knows to be inaccurate or misleading, or any opinion not based on verifiable fact”.

Comment

4.11 Retailers should take steps to ensure that the information they provide is, to the best of their ability, accurate and truthful and that the way in which it is presented does not deceive passengers or lead the passenger to take a different understanding than that which is actually correct.

4.12 As well as presenting information in a way that is clear and unambiguous, retailers should avoid presenting information in such a way as it creates, or is likely to create a different impression amongst passengers than is, in fact, the case.

Principle 4 – retailers should make it clear what tickets they sell at different sales channels and the basis on which they present tickets

4.13 This principle is based on the provision of the CPRs that a commercial practice will be a misleading omission if it omits or hides information a consumer needs to make an informed decision (“material information”).

4.14 It also reflects the more prescriptive provisions in the TSA to mark certain points of sale in such a way that passengers know what tickets are sold there (albeit that these may depend on the type and nature of the sales channel).

Comment

4.15 If certain points of sale, such as TVMs, offer a restricted range of tickets for sale, or do enable the purchaser to access certain types of reduction, then this should be made clear to passengers, along with where they might be able to access a fuller range of tickets.

4.16 Retailers should also make clear what tickets they will provide information about or recommend in response to a request from a passenger, e.g. they will generally offer the cheapest/most appropriate ticket for the journey described but will not search out potentially cheaper combinations of tickets for a journey unless specifically asked to do so.

Questions

- 5) Do you agree that a principles' based Code, such as is outlined above, is the best approach? For example, that it would provide the flexibility necessary to address the differing capabilities/uses of different points of sale and/or to respond to future developments?
- 6) Do you agree that the principles outlined above are appropriate to the provision of retail information to passengers? Are there any other principles that you think it would be helpful for the Code to cover?
- 7) Are there any specific issues retailers are likely to face in complying with these principals, given the different characteristics of different sales channels (e.g. Ticket Offices, websites, TVMs, etc.)? For example from a technological, practical or cost perspective?
- 8) Can you provide examples of good and/or bad practice of how retailers already provide information to passengers within this context?

5. Conclusions and next steps

5.1 The purpose of this consultation is to seek views on the types of information that are relevant to passengers when choosing, buying and using rail tickets, on some principles of good practice in the presentation of that information, and examples of how these are currently met, or could be met, to inform the development of a Code of Practice on retail information.

5.2 We are overseeing the development of the Code but we want ticket retailers (TOCs and third party retailers) and passenger representative groups such as Passenger Focus, to work together to develop and agree its content.

5.3 To facilitate this, we will be holding an industry workshop on 20 October 2014, to discuss the issues raised in this consultation, and to agree the process for delivering a Code that retailers are signed up to and is published by the end of March 2015. This process will need to include the arrangements for drafting, approving and publishing the Code, in which the industry will need to be fully involved, as well as agreeing any necessary transitional and monitoring provisions.

5.4 In addition to the specific questions in Chapters 3 and 4, we also recognise that not all of the information we have identified will be relevant to all passengers all of the time, or necessarily for all types of purchase through all sales channels, as the information a passenger requires may vary depending on the purpose of the journey they are making or their individual needs and we would also welcome views on how this might best be managed.

5.5 You can respond to this consultation by answering the outlined questions and raising other relevant issues by writing to ORR.RetailCode@orr.gsi.gov.uk by 21 November 2014. If it is not possible to email, please send in a hard copy to:

Phillip Wilcox
Competition and Consumer Policy team
Office of Rail Regulation
One Kemble Street
London
WC2B 4AN

5.6 All responses will be published on our website unless marked as confidential.

Annex A – relevant provisions of the TSA

Overview of retailing obligations in Chapter 26

Rights and Restrictions

- When selling a ticket, a train company (other than at a self-service TVM) must take reasonable steps to ensure that the passenger is aware, before the sale takes place, of the rights and restrictions that apply to that ticket³². In addition, it must not say or do anything which is inconsistent with those rights and restrictions, the National Rail Conditions of Carriage and/or any other conditions which apply³³.

Routing guide

- TOCs must also ensure that a purchaser and a potential purchaser of a train ticket can obtain information about the permitted routes for the corresponding flow and that the routing guide can be viewed on an internet site³⁴.

‘Dedicated’ and ‘impartial’ points of sale

- TOCs may only sell a ticket at a “dedicated” point of sale, at an “impartial” point of sale, on a train, or through a self-service TVM³⁵.
- A dedicated point of sale is a point of sale, such as a ticket office, that sells the tickets of the train company that operates or licences that point of sale, but it is not required to sell the tickets of other TOCs. An impartial point of sale (see “impartiality” obligation below) is a point of sale that gives impartial advice and sells the tickets of all train operators in an impartial manner.
- **A dedicated point of sale** must be designated in such a way that it is clear to potential purchasers that the train company that is responsible for it does not give impartial advice about tickets, or sell on an impartial basis at that point of sale³⁶ and whether it is restricted to the sale of certain types of ticket³⁷.

³² 6-25(2)

³³ 6-25(1)

³⁴ 6-34(a) and (b)

³⁵ 6-28(1)

³⁶ 6-28(2)(a)

³⁷ 6-28(2)(b)(ii)

- An **internet site or a site that is an impartial point of sale** must be marked in such a way that it is clear to passengers that it gives impartial information and sells tickets impartially³⁸. An impartial point of sale must also make clear whether it is restricted to the sale of certain type of ticket³⁹.

The impartiality obligation

- If a TOC offers a ticket for sale at a ticket office at station at which it is the lead retailer, or on a train, or at an internet site, or at telephone sales office, or at a site that is an impartial point of sale, it must also offer for sale all tickets relating to that flow which have similar rights and restrictions, including those which entitle the passenger to use other TOCs' trains⁴⁰. This also applies to self-service TVMs, unless it has been agreed otherwise⁴¹.
- A train company which sells tickets, or provides information about them, on a train or at an impartial point of sale or an impartial information centre must act fairly and impartially between TOCs. Any such information that is provided must be factual, accurate and impartial⁴².
- If more than one ticket is available that meets the requirements specified by the passenger and they do not specify which tickets they require, the train company must seek additional information from them that is necessary to enable it to recommend (in an impartial manner) which of them is suitable⁴³. Where this is the case, or a train company is asked to recommend a suitable ticket, the information is must request to enable it to make a recommendation may include:
 - the departure and/or arrival time;
 - how important it is to the person requesting the ticket to minimise the journey time involved;
 - the importance to them of the price of the ticket;
 - whether they mind changing trains;
 - if a return journey is to be made, the extent to which they need flexibility in their choice of trains for that journey;
 - whether the passenger wants the flexibility of an Inter-available ticket; and

³⁸ 6-28(3)(c)

³⁹ 6-28(2)(b)(ii)

⁴⁰ 6-30(3)(a)

⁴¹ 6-30(3)(b)

⁴² 6-30(1)(a)

⁴³ 6-30(2)(a)

- any special requirements that they have⁴⁴.
- If more than one ticket is suitable, the train company must explain the main features of the alternatives in an impartial manner⁴⁵.
- If, on a train or at an impartial point of sale, a passenger asks to purchase a particular ticket which is offered for sale there, the train company which operates that train or point of sale may sell them the ticket without seeking additional information, unless it is reasonably apparent that they want to make a journey which it is not possible to make with it⁴⁶.
- The train company must not give any information which it knows to be inaccurate or misleading, or any option which is not based on verifiable fact⁴⁷.

Provision of information at impartial points of sale and impartial information centre

- To the extent that it has been provided with it⁴⁸, each train company must provide the following information at each of its impartial points of sale and impartial information centres:
 - each train company's train times, as published in the national timetable;
 - any notified alterations or additions to those published train times, in particular those concerning engineering work and bank holidays;
 - the on-train facilities that are available, including those relating to disabled travel, cycle conveyance, available classes of accommodation and catering arrangements;
 - the facilities that are available at each station (as described in the national timetable);
 - the tickets that may be purchased at that impartial point of sale or, as the case may be, about which information may be obtained at that impartial information centre;
 - station and TTL station interchange times and arrangements, as described in the national timetable or other publications; and
 - reservation arrangements for seats, cycles, disabled customers, sleeper accommodation and accompanied articles and animals⁴⁹.

⁴⁴ 6-30(2)(b)

⁴⁵ 6-30(2)(c)

⁴⁶ 6-30(2)(d)

⁴⁷ 6-30(2)(e)

⁴⁸ 6-33(2)

⁴⁹ 6-33(1)

Specific obligations in relation to internet sites, telephone sales offices and sites that are impartial points of sale

- In addition to the obligations set out above, TOCs providing train service information and selling tickets through an internet site or telephone sales office that is an impartial point of sale will comply with the provisions of the appropriate ATOC standards in Schedule 44 of the TSA. These standards include obligations to provide information about:
 - train services and rail products;
 - delays to train services;
 - rail products that they do not sell (such as how they can be purchased);
 - the National Rail Conditions of Carriage and relevant terms and conditions;
 - how passengers can make complaints and their arrangements for handling complaints;
 - refunds; and
 - ticket dispatch arrangements.

Sale of tickets through self-service TVMs

- With specific regard to the sale of tickets through self-service TVMs, TOCs must ensure that every self-service TVM it operates display:
 - the name of the train company;
 - the tickets that are available from it; and
 - the address to which a purchaser of a ticket for that self-service TVM must apply in order to claim a refund in respect of that ticket⁵⁰; and
 - a notice stating any locations in the station in which the TVM is situated where tickets may be purchased otherwise than by using the TVM is prominently displayed on or nearby the TVM⁵¹.

⁵⁰ 6-32(a)

⁵¹ 6-32(b)

Extracts from Schedule 44 of the TSA

Specific obligations relating to internet sites and telephone sales office that are ‘impartial’ points of sale

A train company providing service information and selling tickets through an internet site or telephone sales office or site that is an impartial point of sale must comply with the provisions of the appropriate ATOC standard shown in Schedule 44 to the TSA.

Internet sites that are impartial points of sale

Part I of Schedule 44 applies to internet sites that are impartial points of sale.

Amongst the requirements contained in Part I are:

- **Information about train services and rail products** – the train company will ensure that when giving purchasers information about train services and rail products, that all information as has been provided to it⁵² that is applicable to train services and rail products being enquired about is available on the site⁵³;
- **Information about delays to train services** – the train company must have the ability to display on the site information about delays to the train service and information about service disruption when required and must do so as soon as practicable after that information has been provided to it⁵⁴;
- **Rail products that may not have to be sold** – a train company may not have to offer for sale certain products, for example, fares that are not suited to being offered for sale through the site by reason of their complexity, incompatibility with the way the site is configured, or limitations resulting from the way in which the site operates⁵⁵ but in cases where a purchaser enquires about a rail product or service that is not offered for sale through the site, the operator is obliged to provide the purchaser with information about how such as rail product or service can be enquired about or purchased⁵⁶;
- **Obligation to display ATOC accreditation mark** – a site that has been granted accreditation is obliged to display the ATOC accreditation mark in accordance with the ATOC standard⁵⁷;

⁵² by the Rail Settlement Plan (RSP)

⁵³ Schedule 44, Part I, 5(1)

⁵⁴ Schedule 44, Part I, 5(2)

⁵⁵ Schedule 44, Part I, 6(1)&(2)

⁵⁶ Schedule 44, Part I, 6(3)

⁵⁷ Schedule 44, Part I, 7(1)

- **National Rail Conditions of Carriage** – the train company will ensure that the site displays, and enables users to consult, the National Rail Conditions of Carriage⁵⁸;
- **National Rail internet site** – the train company will ensure that the site provides a link to the National Rail internet site⁵⁹;
- **Comments from purchasers** – the train company must provide a means for purchasers to make comments about the service provided by the site (and have arrangements for handling complaints)⁶⁰;
- **Refunds** – the train company will provide a means for purchasers to apply for refunds in respect of the rail products purchased through the site and display contact details prominently, and must comply with any National Rail standard documenting the arrangements for processing refund applications⁶¹;
- **Ticket dispatch arrangements** – the train company's ticket delivery arrangements (the minimum standard is that tickets being dispatched to destinations in the United Kingdom will be sent to purchasers by First Class post) must be clearly explained to purchasers before or at the time of purchase. If alternative methods of ticket dispatch are provided, purchasers must be made aware, before or at the time of purchase, of any charges that might be raised. Such additional charges must not be incorporated within the price of the ticket but charged as an additional sum within the transaction⁶²
- **Information that must be displayed on the site** – the site must display the following⁶³:
 - the range of services and rail products provided by the site;
 - the conditions of purchase that apply to rail product transactions;
 - the National Rail Conditions of Carriage;
 - the arrangements for the dispatch of tickets and any special conditions relating to ticket delivery arrangements;
 - the ATOC accreditation mark on the home page;
 - the name and address of the company operating the site and its registered office; and

⁵⁸ Schedule 44, Part I, 9

⁵⁹ Schedule 44, Part I, 10

⁶⁰ Schedule 44, Part I, 11(1)&(2)

⁶¹ Schedule 44, Part I, 12(1)&(2)

⁶² Schedule 44, Part I, 14(1)&(2)

⁶³ Schedule 44, Part I, 16(1)

- the arrangements for obtaining telephone help or for contacting the train company.
- **Use of company logo or brand** – the operator may display its logo or brand identity on the site⁶⁴;
- **The impartiality obligation** – the train company will clearly state on the site that all information and transactions relating to the sale of rail products is provided impartially between TOCs⁶⁵; and
- **Terms and conditions** – the train company will ensure that purchasers are provided with the means of enabling them to obtain written details of the relevant conditions applicable to the sale prior to the sale taking place. This can be evidenced by means of information printed on the ticket or by other written means provided by the train company and approved by the Ticketing and Settlement Scheme Council. The train company will ensure that purchasers are asked to confirm acceptance of the terms and conditions before or at the time of purchase⁶⁶.

Telephone sales offices that are impartial points of sale

Part II of Schedule 44 applies to telephone sales offices that are impartial points of sale.

Amongst the requirements contained in Part II are:

- **Information about train services and rail products** – the train company will ensure that when giving purchasers information about train services and rail products, that all information as has been provided to it that is applicable to train services and rail products being enquired about is provided⁶⁷;
- **Information about delays to train services** – the train company must have the ability to give information about delays to the train service and information about service disruption when required and must do so as soon as practicable after that information has been provided to it⁶⁸;
- **Rail products that may not have to be sold** – a train company may not have to offer for sale certain products, for example, fares that are not suited to being offered for sale through the telephone sales office by reason of their complexity⁶⁹ but in cases where a purchaser enquires about a rail product or service that is not offered for sale through the telephone sales office, the operator is

⁶⁴ Schedule 44, Part I, 16(3)

⁶⁵ Schedule 44, Part I, 16(4)

⁶⁶ Schedule 44, Part I, 20

⁶⁷ Schedule 44, Part II, 5(1)

⁶⁸ Schedule 44, Part II, 5(2)

⁶⁹ Schedule 44, Part II, 6(1)&(2)

obliged to provide the purchaser with information about how such as rail product or service can be enquired about or purchased⁷⁰;

- **Obligation to display ATOC accreditation mark** – a telephone sales office that has been granted accreditation is obliged to display the ATOC accreditation mark in accordance with the ATOC standard⁷¹;
- **Comments from purchasers** – the train company must provide a means for purchasers to make comments about the service provided by its telephone sales office (and have arrangements for handling complaints)⁷²;
- **Refunds** – the train company will provide a means for purchasers to apply for refunds in respect of the rail products purchased through the telephone sales office and display contact details prominently on any publicity material⁷³, and must comply with any National Rail standard documenting the arrangements for processing refund applications⁷⁴;
- **Ticket dispatch arrangements** – the train company's ticket delivery arrangements (the minimum standard is that tickets being dispatched to destinations in the United Kingdom will be sent to purchasers by First Class post) must be clearly explained to purchasers before or at the time of purchase. If alternative methods of ticket dispatch are provided, purchasers must be made aware, before or at the time of purchase, of any charges that might be raised. Such additional charges must not be incorporated within the price of the ticket but charged as an additional sum within the transaction⁷⁵
- **Information that must be displayed on publicity material** – publicity material used to promote the telephone sales office must display the following:
 - The ATOC accreditation mark; and
 - The name and address of the train company operating the telephone sales office⁷⁶.

The train company may also display:

- Its company logo or brand identity on publicity material⁷⁷; and

⁷⁰ Schedule 44, Part II, 6(3)

⁷¹ Schedule 44, Part II, 7(1)

⁷² Schedule 44, Part II, 9

⁷³ Schedule 44, Part II, 13(1)&(2)

⁷⁴ Schedule 44, Part II, 12(1)&(2)

⁷⁵ Schedule 44, Part II, 15(1)&(2)

⁷⁶ Schedule 44, Part II, 16(1)

- The operator will clearly state on publicity material that all information and transactions relating to the sale of rail products is provided impartially between operators⁷⁸.
- **Terms and conditions** – the train company will ensure that purchasers are provided with the means of allowing them to obtain details of the relevant terms and conditions applicable to the sale prior to the sale taking place. This can be evidenced by means of information printed on the ticket or by other written means provided by the train company and approved by the Ticketing and Settlement Scheme Council. The train company will ensure that purchasers are asked to confirm acceptance of the terms and conditions before or at the time of purchase⁷⁹.

⁷⁷ Schedule 44, Part II, 16(3)

⁷⁸ Schedule 44, Part II, 16(4)

⁷⁹ Schedule 44, Part II, 19

Annex B – types of information

Drawing on the requirements of the CPRs (that traders should provide consumers with certain information, such as the main characteristics of the product, the price, and the consumer’s rights or the risks they may face, and that they should not omit or hide “material” information) and our research, we have set out below the types of information we think passengers need to help them choose, buy and use a ticket, and which should therefore be covered by the Code.

We have highlighted in the table below where consumer law and the TSA potentially contains similar requirements.

Information types	Comments
<p>Timetable information – including:</p> <ul style="list-style-type: none"> • Departure and arrival times; • Journey duration; and • Delays and disruption, including the existence of bus replacement services 	<p>This information is clearly relevant to the main characteristics of the product. Passengers who took part in our research identified this as particularly important information in the context of choosing the most appropriate ticket.</p> <p>The TSA requires TOCs to provide such information at certain points of sale. For example, it recognises the importance of such information in the “impartiality” obligation (at 6-30(2)(b)), where the information a train company is required to seek from a passenger to enable it to recommend a ticket includes the departure/arrival time and the importance of minimising the journey time.</p> <p>To the extent that they have been provided with it, the TSA also requires TOCs to provide certain information at each of its impartial points of sale and impartial information centres, including: each TOCs train times, as published in the national timetable; and any notified alterations or additions to those, in particular those concerning engineering work and bank holidays (6-33(1)).</p> <p>With specific regard to internet sites and telephone sales offices that are impartial points of sale, Schedule 44 of the TSA also requires TOCs to provide information about trains services and delays.</p>
<p>Price information – including:</p> <ul style="list-style-type: none"> • The ticket price; • Surcharges for debit/credit cards; and • Other charges, such as booking fees or 	<p>Information about how the price is calculated is also clearly relevant. Passengers who took part in our research also identified price as important information in the context of choosing the most appropriate ticket.</p> <p>In order for price to be meaningful, passengers need more than just the price of the ticket, they need information on other costs that they will, or might, incur.</p>

Information types	Comments
<p>delivery/fulfilment charges.</p>	<p>For example, in its response to the super-complaint on payment surcharges from Which?⁸⁰, the Office of Fair Trading said compulsory charges, such as debit card fees when booking online, should be included in the headline price. Information on non-compulsory fees, such as credit card fees, should be provided in a clear and timely manner.</p> <p>Specifically in relation to internet sites and telephone sales office that are impartial points of sale, Schedule 44 of the TSA also requires that TOCs provide information about ticket despatch arrangements, including the costs.</p>
<p>The route(s) on which the ticket is valid</p>	<p>Tickets sometimes allow passengers to travel via a number of routes. Information about the routes for which a ticket is valid could help a passenger decide the most appropriate ticket for the journey they want to make, make the most of their ticket, or could prevent them from being penalised for using on an invalid route.</p> <p>Passengers who took part in our research identified route as important information in the context of choosing the most appropriate ticket.</p> <p>The TSA requires that TOCs ensure that passengers can obtain information about permitted routes and that the routing guide can be viewed on an internet site (6-34(a) and (b)), although this may not go far enough in terms of making such information sufficiently accessible or useable for passengers.</p> <p>The TSA also requires that TOCs take reasonable steps to ensure that passengers are aware, before the sale takes place, of the restrictions that apply to the ticket (6-25(2)).</p>
<p>Ability to break a journey</p>	<p>Some tickets allow passengers to break a journey – that is, to get off, and back on, at intermediate stations. It can sometimes be difficult for passengers to find out whether the ticket they may want to buy allows them to do this. While many passengers may only want to travel from A to B, some may want to be able to change their plans and travel to or back from a different station, or build their plans around breaking their journey mid-way.</p>

⁸⁰ <http://webarchive.nationalarchives.gov.uk/20140402142426/http://www.of.gov.uk/OFTwork/markets-work/super-complaints/which-payment-surcharges>

Information types	Comments
	<p>Such information could therefore help a passenger decide the most appropriate ticket for the journey they want to make, make the most of their ticket, or could prevent them from being penalised for using their ticket incorrectly.</p> <p>The TSA also requires that TOCs take reasonable steps to ensure that passengers are aware, before the sale takes place, of the restrictions that apply to the ticket (6-25(2)).</p>
<p>Refund rights</p>	<p>Our research on passengers' awareness of compensation and refund rights found that passengers' awareness of their refund rights is low. This includes 'general' refund rights, as set out in the National Rail Conditions of Carriage, and refund rights attached to specific ticket types, such as Advance and Seasons.</p> <p>It is a clear requirement of the CPRs that traders provide consumers with certain information in an accurate and clear manner. This includes information about their rights.</p> <p>The TSA also requires that TOCs take reasonable steps to ensure that passengers are aware, before the sale takes place, of the restrictions that apply to the ticket (6-25(2)).</p> <p>Specifically in relation to internet sites and telephone sales office that are impartial points of sale, Schedule 44 of the TSA also requires that TOCs provide information about refund arrangements.</p>
<p>Compensation for delays</p>	<p>As with refund rights, our research on passengers' awareness of compensation and refund rights found that awareness of rights to compensation when trains are delayed is low.</p> <p>It is a clear requirement of the CPRs that traders provide consumers with certain information in an accurate and clear manner. This includes information about their rights.</p> <p>The TSA also requires that TOCs take reasonable steps to ensure that passengers are aware, before the sale takes place, of the rights that apply to the ticket (6-25(2)).</p>
<p>Terms and conditions, including:</p> <ul style="list-style-type: none"> • National Rail Conditions of Carriage; • Ticket specific terms and conditions, in 	<p>It is a clear requirement of the CPRs that traders provide consumers with certain information in an accurate and clear manner. This includes information about the nature of the product, their rights and the risks they may face.</p>

Information types	Comments
<p>particular key terms and conditions such as:</p> <ul style="list-style-type: none"> ○ Advance tickets: a passenger can get on/off a train at the origin and destination for which the ticket is valid and they are non-refundable; ○ Off-Peak: times during which the ticket is valid; ○ Season tickets: arrangements for duplicates if lost/stolen and refund arrangements. <ul style="list-style-type: none"> • Any other terms and conditions, such as terms of sale, e.g. collection arrangements – credit/debit card must be one that was used to make booking. 	<p>It is difficult for passengers to make a choice between the available tickets, or to use them to the fullest extent, if the restrictions aren't clearly explained.</p> <p>Information about the times during which an Off-Peak ticket is valid, or the key restrictions associated with an Advance ticket, are therefore important to making a choice between tickets and using them as required.</p> <p>The TSA requires that TOCs take reasonable steps to ensure that passengers are aware, before the sale takes place, of the restrictions that apply to the ticket (6-25(2)).</p> <p>Specifically in relation to internet sites and telephone sales office that are impartial points of sale, Schedule 44 of the TSA also requires that TOCs provide information about the National Rail Conditions of Carriage and relevant terms and conditions.</p>
<p>Assistance for passengers with disabilities</p>	<p>Clearly, for those who need assistance to access rail services, then information about the nature and availability of such assistance will be material to their decision when buying a ticket.</p> <p>Research we published in March 2014 found that passengers had limited awareness of the rights of assistance for disabled passengers.</p> <p>The TSA requires that, to the extent to which they have been provided with it, TOCs will provide information about on-train facilities, including those relating to disabled travel and reservation arrangements for disabled travel as well as the facilities that are available at each station (6-33(1)).</p>
<p>Availability of on-train services, including:</p> <ul style="list-style-type: none"> • Wi-fi; and • Catering 	<p>For those who want to avail themselves of on-train services, such as wi-fi or catering, information about the availability of these services may be material to their decision making.</p> <p>The TSA requires that, to the extent to which they have been provided with it, TOCs provide information about on-train facilities, including catering arrangements (6-33(1)).</p>
<p>Ability to travel with luggage or a bike</p>	<p>For those who are travelling with luggage or a bike, information about the ability to do this and/or the associated rules, may be material to their decision making.</p>

Information types	Comments
	<p>The TSA requires that, to the extent to which they have been provided with it, TOCs provide information about on-train facilities, including cycles conveyance and the reservation arrangements for cycles and accompanied articles and animals (6-33(1)).</p>
<p>The range of tickets that are available at that point of sale</p>	<p>In order to ensure that passengers are not misled, retailers should make clear what tickets are available at different points of sale. For example, whether they sell a reduced range of tickets at certain points of sale, such as at TVMs.</p> <p>The TSA contains similar provisions. For example, it provides that a train company must provide information about the tickets that can be purchased at a point of sale (6-28(2)(b)(ii) and 6-33(1)(e) and, more specifically, must make clear to members of the public if a TVM offers a reduced range of tickets (6-30(3)(c) and 6-32(a)(ii).</p>

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