

Marcus Clements
Head of Consumer Policy

18 June 2019

Clare Gilmartin
Chief Executive
The Trainline

BY EMAIL

Dear Clare

Provision of information to passengers when booking tickets

We are writing to you regarding the information provided to passengers by the Trainline when booking train tickets through your website. For these purposes, we are writing in our role as a designated enforcer under Part 8 of the Enterprise Act 2002 of consumer protection legislation, including the Consumer Protection from Unfair Trading Regulations 2008 (CPRs).

Consumer Protection Regulations

The CPRs prohibit unfair commercial practices, in particular practices which are unfair by virtue of being misleading actions and misleading omissions, which cause, or are likely to cause, the average consumer to take a transactional decision they would not have taken otherwise.

We previously wrote to third party retailers, including the Trainline, on 29 March 2018¹ to remind you that obligations under the CPRs apply to companies who are third party retailers of rail tickets. In that letter we set out some broad principles for providing information to passengers to which we suggested you may wish to have regard, as they should help you to meet obligations under CPRs, which include:

- clear information on the availability of advance tickets, what is available and when, is necessary to help passengers plan journeys even when the timetable is uncertain; and

¹ https://orr.gov.uk/_data/assets/pdf_file/0019/27361/compliance-with-consumer-law-regarding-providing-information-to-passengers-2018-03-29.pdf

- timetable information should be correct as far ahead as possible, and where timetables are not confirmed information about their current status should be accurate and updated frequently.

Selling tickets more than 12 weeks before travel

We are aware that the Trainline sells tickets for services which are unconfirmed i.e. beyond the standard industry 12 week (T-12) window². We note that there is a blue banner on the Trainline webpage which advises customers that train times may be revised until about 12 weeks before travel and to check back closer to the time of travel for any changes.

However, we are concerned about the lack of information provided on the Trainline website during the ticket purchasing process for travel beyond the 12 week window where there is already known planned engineering works and resulting disruption to train services. An example is the planned engineering works on the West Coastway between Barnham and Havant in October/November 2019 which will involve a nine day line closure.³ The Trainline website currently offers train tickets for this period with no indication of any engineering works or disruption. However, other train companies are not yet retailing tickets for this period as it is outside the 12 week window. Passengers that are looking to travel in that period could buy from the range of available anytime and off peak tickets and plan their journey accordingly. It is only when they come to travel that they would discover that the trains they have chosen are no longer running and they face a longer trip by bus.

King's Cross disruption

As you aware, there will be no train services operating into or out of London King's Cross station over the August 2019 Bank Holiday Saturday/Sunday and a reduced operation on the Bank Holiday Monday due to planned engineering works. The rail operators have been working on their handling of this weekend for some time, as highlighted in the March 2019 letter to the Trainline from London North Eastern Railway (LNER). They are now issuing 'do not travel' advice to consumers for the Saturday and Sunday⁴.

² As of 18 June, tickets are available up to 14 December from your website, but up to 9 September on the National Rail website

³ <https://www.southernrailway.com/travel-information/plan-your-journey/chichester-track-improvement>

⁴ <https://eastcoastupgrade.co.uk/the-programme/>

We note that previously the Trainline was selling tickets (beyond the 12 week window) for unconfirmed services on this weekend with no indication provided to consumers about the planned engineering works and resulting disruption. This includes tickets for services which will now not operate and services that will now be replaced by a bus. We understand that LNER and Transport Focus raised concerns with the Trainline about the sale of these tickets in March and in May respectively.

Although the the Trainline website is now showing the updated journey information for the August weekend, this is following the publication of the industry's amended timetable (at T-12) rather than as a result of changes made by the Trainline itself. However, passengers who bought tickets from the Trainline for these services prior to this information being made available on its website will not be able to travel in the manner they expected when they made their purchase. They may also not be aware that the tickets they have purchased are for services that have been changed.

Summary

We are concerned that the Trainline is not providing sufficiently clear material information to consumers about planned disruption and is selling tickets for services which it knows will not run as advertised. This has the potential to harm the collective interests of consumers.

A material, indeed main, characteristic of the product (rail ticket) is that the train service is running as advertised and sold, rather than the service being provided as an alternative means of transport such as a replacement bus service or not running at all. Information about planned disruption is likely to be material to the average consumer in the context of purchasing a rail ticket, and its omission therefore raises concern that consumers are not being provided with the information they need to make an informed transactional decision.

Next steps

We expect the Trainline to make changes as soon as possible to:

- improve the information provided on its website during the ticket purchasing process for travel beyond the 12 week window:
 - where there is known planned engineering works and resulting disruption to train services; and
 - where services are unconfirmed to specifically highlight the possibility of planned works and disruption; and
- proactively provide specific information about planned engineering works and resulting disruption to passengers who have already purchased tickets prior to this

information being made available on its website, and provide a copy of this communication to us.

I would be grateful for your response to this letter by **Tuesday 2 July**. Please set out the changes you are making and the timescales for resolution. Your response will inform our consideration of whether further action is requisite⁵.

Please note that we will publish this letter and your reply on our website.

If you have any questions about this letter please contact

Yours sincerely

A handwritten signature in black ink, appearing to read 'Marcus Clements', with a stylized flourish at the end.

Marcus Clements

⁵ <http://orr.gov.uk/rail/rail-enforcement-powers>