

# **A Code of Practice on retail information for rail tickets and services**

**25 March 2015**

## Introduction

The rail industry offers passengers a range of products and services, and ways of choosing and buying them. In order for passengers to capitalise on the choices available to them, plan their journeys with confidence, and achieve value for money they need good information in order to make informed decisions. This will enable them to select the most appropriate ticket for their journey (and choose from the other services that might be available to them), to understand how they can use their ticket, and to exercise their rights.

The primary purpose of this Code of Practice is to provide guidance for train operating companies and third party retailers<sup>1</sup> on, and promote 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. Passengers may also find it useful in helping them understand how the industry operates, the choices available to them and the service they should expect.

It has been developed with input from train operating companies, other ticket retailers, the Office of Rail Regulation and Passenger Focus in response to research that have shown the quality of information provided to passengers is not always sufficient to help them make the best decisions when choosing, buying and using the products and services available. This led the Department for Transport to recommend the development of the code in its fares and ticketing report in October 2013<sup>2</sup>.

Whilst the Code has been developed in the context of the current range of products and services and how these are currently sold, such as ticket offices, ticketing vending machines and websites, the principles set out in the Code should be equally applicable to

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<sup>1</sup> 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

<sup>2</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/249001/fares-ticketing-next-steps.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/249001/fares-ticketing-next-steps.pdf), see paragraphs 3.46 to 3.54

information about new and emerging products and means of selling, such as smart cards and mobile technology. The Code will be kept under review and amended as necessary.

## Structure of the Code

As described above, the primary purpose of the Code is to provide guidance for train operating companies and third party retailers on, and promote 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. It is important to note that, in this context, the Code is not in itself a regulatory document, although it is designed to help retailers meet their obligations in this area.

From a legal perspective, the key piece of consumer law is the Consumer Protection from Unfair Trading Regulations<sup>3</sup> (Consumer Protection Regulations or CPRs, for short), which prohibits unfair and misleading commercial practices.

The CPRs apply to commercial practices<sup>4</sup> 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.

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<sup>3</sup> <http://www.legislation.gov.uk/uksi/2008/1277/made>

<sup>4</sup> *“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”*

Further information about the CPRs can be found in guidance published by the Competition and Markets Authority<sup>5</sup> but the key provisions around which this Code is based are those relating to misleading commercial practices.

In simple terms, they require that train companies and third party retailers (“traders”<sup>6</sup>) provide passengers (“consumers”<sup>7</sup>) with the information they need to make informed decisions (“material information”), do not omit important information, and that the information they do provide is clear and easy to understand.

The Code has been designed around four principles that reflect these requirements by setting out the information that is important to passengers and describing how this information might best be provided:

- 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.

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<sup>5</sup> *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](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](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/284442/oft1008.pdf)

<sup>6</sup> “trader” means any person who in relation to a commercial practice is acting for purposes relating to his business, and anyone acting in the name of or on behalf of a trader

<sup>7</sup> “consumer” means any individual who in relation to a commercial practice is acting for purposes which are outside his business EXPLAIN

Principle 1 sets out the information that might be relevant to a passenger's decision making, whether before, during or after their journey. The list is not exhaustive, and includes information that is likely to be relevant to most passengers, most of the time, as well as information that might only be relevant to some passengers, depending on their individual needs, the type of ticket they are buying, and/or the purpose of their journey.

Principles 2, 3 and 4 provides some guidance on how the information outlined in Principle 1, and other relevant information, should be deployed. Ultimately, it will be for retailers to ensure that they are providing their customers with the information they need, in a way that is useful to them.

In setting out the specific examples of practices that are more, or less, likely to comply with the law, the Code also draws on relevant industry-specific standards. In this context, this means Chapter 6 of the intra-industry Ticketing and Settlement Agreement (TSA) and the associated schedules.

## **Use of the Code**

It is expected that train companies and third party retailers will use the Code as a guide to the content and presentation of information on fares and related subjects.

However, the information provided will necessarily be limited in some cases by the delivery channel. Where information cannot be provided directly, passengers will be made aware, in a timely manner, of other channels that can provide a wider range of information.

## Compliance with the Code

The Code has been designed to reflect the requirements of the CPRs<sup>8</sup> (as well as incorporating current industry standards and practices, such as those set out in the relevant parts of the Ticketing and Settlement Agreement<sup>9</sup>, where appropriate).

While compliance with the Code won't guarantee compliance with the CPRs, this ultimately being determined by whether passengers are being misled, following the principles outlined in the Code will more likely result in passengers being given the information they need and reduce the risk of them being misled – although retailers will still need to satisfy themselves that they are compliant with their legal obligations and that passengers understand the information and processes they use.

As a designated enforcer of consumer law under Part 8 of the Enterprise Act 2002, the Office of Rail Regulation has the power to take action in relation to breaches of certain pieces of consumer law, including the CPRs. Therefore, to the extent that the Code represents the requirements of the CPRs, non-compliance with the Code may signal failure to comply with the CPRs and ORR may take action to ensure compliance, in line with its published guidance<sup>10</sup>.

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<sup>8</sup> <http://www.legislation.gov.uk/uksi/2008/1277/contents/made>

<sup>9</sup> <http://www.atoc.org/about-atoc/rail-settlement-plan/governance/>

<sup>10</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)

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

This principle is based on the provisions of the CPRs that a commercial practice will be misleading if it omits or hides material information<sup>11</sup>, the purpose being to ensure that passengers are provided with the information that is likely to be material to them when choosing, buying or using a rail ticket.

The information that individual passengers need may vary depending on the type of ticket they are buying, the purpose of their journey, or the individual requirements of the passenger.

Retailers should ensure that passengers are provided with all the information they may need to enable them to choose, buy and use the most appropriate ticket for their journey.

With regard to the sale and supply of rail tickets, this includes information about the main characteristics of the product<sup>12</sup> and information such as (but not necessarily limited to):

INFORMATION TYPE	DETAIL
<b>Timetable</b>	Including departure and arrival times; journey duration; and any delays/cancellations and/or alternative transport arrangements (such as bus replacement services or extended journey times) that may affect the journey.

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<sup>11</sup> Regulation 6(1)(a) and (b)

<sup>12</sup> See Annex A

<b>Price</b>	Including ticket price, payment surcharges; booking fees; delivery/fulfillment charges; and any other unavoidable or optional charges.
<b>Validities and restrictions</b>	Including the route(s) on which the ticket is valid, the train company or companies with which it is valid, and the time(s) at which the ticket is valid.
<b>Key terms and conditions</b>	<p>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:</p> <ul style="list-style-type: none"> <li>• Advance tickets: a passenger can only get on/off a train at the origin and destination for which the ticket is valid, ticket is only valid with accompanying proof of reservation (where required), and any restrictions on refunds;</li> <li>• Off-Peak: times during which the ticket is valid;</li> <li>• Season tickets: arrangements for duplicates if lost/stolen and refund arrangements;</li> <li>• Railcards: if ticket(s) purchases using a Railcard then passenger must have the Railcard with them on their journey for their ticket(s) to be valid;</li> <li>• Group tickets: where the group must always travel together; and</li> </ul> <p>any other terms and conditions, such as terms of sale, e.g. ticket collection arrangements – where the credit/debit card must be one that was used to make booking.</p>

<b>Compensation and refund rights and arrangements</b>	Including information about the arrangements for compensation when trains are delayed – when this is applicable and how to claim, as well as the circumstances in which a refund is available (particularly where these arrangements vary by ticket type).
<b>Ability to break a journey</b>	If the ticket allows the passenger to break their journey then this should be explained, along with any restrictions on this.
<b>Assistance available to passengers with disabilities</b>	Information about the assistance available to disabled passengers, including about the Passenger Assist scheme and any other assistance should be provided, along with information about how to access any such assistance.
<b>Availability of on-train services</b>	Where a train service offers services such as Wi-Fi or catering, details of these services should be available.
<b>Arrangements for travelling with luggage or a bike</b>	Where there are arrangements or restrictions relating to taking luggage or bikes on a train, this information should be available.
<b>Class of travel</b>	If 1 <sup>st</sup> class travel is only available on a portion of a journey, this should be made clear.

It is recognised that that not all passengers will need all of the information listed above all of the time. It is also recognised that the limitations of the medium or channel used to communicate the information may impact on the ability of that medium to fully convey all of the information that may be required.

However, this should not prevent retailers from making it clear where such information is available, if not from the medium or channel the passenger is using – see Principle 2 below.

## Principle 2 – retailers should provide the information that passengers need in a way that is clear, intelligible, unambiguous and timely

This principle is based on the provisions of the CPRs<sup>13</sup> that a commercial practice will be misleading if it provides information in a way that is unclear, unintelligible, ambiguous or untimely<sup>14</sup>.

Retailers should therefore provide the information that passengers need, which is likely to include the information set out in Principle 1 (above), in a way that is clear, intelligible and unambiguous and at an appropriate time, so that passengers can act on it to make informed decisions about, for example, whether and how to travel, which ticket best suits their needs, and when and how to exercise their rights.

With regard to the presentation of this information, the following table outlines practices that are more, or less, likely to comply with the principle outlined above.

MORE LIKELY TO COMPLY	LESS LIKELY TO COMPLY
<p><b>Information that is likely to be important to all or most passengers, most of the time</b>, when choosing and buying tickets, such as that relating to:</p> <ul style="list-style-type: none"><li>• price;</li></ul>	<p>Important information, such as, information about the key differences between ticket types (for example, the times at which they are valid) or, where known, delays and cancellations and/or the operation of bus replacement service), is not provided, or is provided in a way that its significance is unclear,</p>

<sup>13</sup> <http://www.legislation.gov.uk/uksi/2008/1277/contents/made>

<sup>14</sup> Regulation 6

<ul style="list-style-type: none"> <li>• timetables (including, where known, any delays and cancellations – particularly when planned in advance – and including any additions to journey times and/or existence of alternative transport such as bus replacement services);</li> <li>• restrictions and validities (including times when tickets are valid/invalid and route information); and</li> <li>• important terms and conditions (including any ticket specific terms and conditions, such as refund rights)</li> </ul> <p>is provided clearly<sup>15</sup> (e.g. in a way that is meaningful to passengers), prominently and, at an early stage in the process so that they can factor it in to their decision.</p>	<p>is not easy to locate, or is provided late in the sales process, such that the passenger is unable or unlikely to take it into account when making a decision.</p> <p>Key terms and conditions are not brought to passengers' attention, or not brought to passengers' attention at an appropriate time, for example, retailers rely only on a general "tick box" to confirm that passengers have read and understood the terms and conditions relevant to their journey.</p>
<p>With regard to <b>information the importance of which may vary</b> depending on the requirements of the individual passenger, or the product they are purchasing (such as the assistance available to disabled passengers or the availability of on-train services), processes are in place to ensure it is</p>	<p>Important information is not provided, or is provided in a way that its significance is unclear, is not easy to locate, or is provided late in the sales process, such that the passenger is unable or unlikely to take it into account when making a decision.</p>

<sup>15</sup> Retailers might want to have regard to the guidance issued by the Plain English Campaign when developing wording for printed material and visual displays to help ensure that information is clear and intelligible – <http://www.plainenglish.co.uk/free-guides.html>. Retailers should also ensure that information is accessible for all users, with particular care taken in making information accessible for people with disabilities – see, for example, add link to guidance

<p>brought to their attention at an appropriate time so that they can factor it into their decision.</p> <p>For example, <b>at ticket offices</b> staff ask questions to enable them to understand the nature of the journey the passenger wants to make and any specific needs they have, in order that they might recommend the most appropriate ticket or tickets.</p> <p><b>At other points of sale, such as websites or ticket vending machines</b>, passengers are prompted in such a way that they are made aware of the information that might be important to their decision and/or the ticket or tickets that are recommended to them are most appropriate to their needs, or allow them to choose the ones which are.</p> <p>If the limitations of the sales channel mean that it is not possible to prompt passengers and/or provide all the information that might be important to them, passengers are made aware of this and told where they can access it.</p>	<p>Passengers are not prompted to seek or provide information relevant to retailers making a recommendation as to the most appropriate ticket. Options are presented to the passenger without having taken account of their specific needs and/or passengers are not made aware that there may be a more suitable ticket for their journey as a result.</p>
<p>The use of <b>industry jargon</b>: such as:</p> <ul style="list-style-type: none"> <li>• “time restrictions may apply” in relation to Off-Peak/Super Off-Peak tickets; or</li> </ul>	<p>Industry terms and jargon are used without explanation as to their meaning, or any explanations that are used are difficult to interpret or understand.</p>

- Train company abbreviations (such as “London terminals” or “child”).

**is avoided, where possible.**

Instead retailers use terms that are meaningful to passengers and/or provide specific information (or make clear where passengers can find it), for example, about the times during which the ticket is valid or invalid (e.g. not valid before 09.30), the routes that may be used, or the relevant age range (e.g. 5-15 years).

Points of sale, such as websites and ticket vending machines, give prominence to the most suitable tickets for the journey described (including those of other train operators where relevant, for example, where the point of sale is ‘impartial’ (a further explanation of impartial is provided in principle 4)) and provide clear links and sign-posting to all relevant information, which is written in a way that makes it easy for passengers to understand, using clear and unambiguous language.

Suitable tickets and other information on points of sale such as websites and ticket vending machines is poorly laid out, difficult to find (for example because it is not clearly sign-posted or described in terms that passengers would not understand), and is written in language that is unclear and/or ambiguous as to its meaning.

### **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**

This principle reflects the provision of the CPRs that a commercial practice will be misleading 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<sup>16</sup>.

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”.

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.

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.

The information to which this principle applies includes<sup>17</sup>:

- the existence or nature of the product;
- the main characteristics of the product (including the availability, benefits, risks, delivery, usage, quantity of the product or the after-sales customer assistance or the handling of complaints concerning the product);

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<sup>16</sup> Regulation 5

<sup>17</sup> Regulation 5(4)

- the extent of the trader’s commitments;
- the price or manner in which the price is calculated;
- the existence of a specified price advantage; and
- the consumer’s rights or the risks they may face.

<b>MORE LIKELY TO COMPLY</b>	<b>LESS LIKELY TO COMPLY</b>
<p>Passengers are provided with information about the tickets that are suitable for the journey they want to make in such a way as the most appropriate choices are given prominence.</p> <p>For example, ticket vending machines should provide the most relevant options on the front screen</p>	<p>Options that are likely to be the most suitable are not provided.. For example, on ticket vending machines or websites, information about more expensive tickets is shown up front, in favour of cheaper tickets that might be more appropriate.</p>
<p>Points of sale, such as websites and ticket vending machines provide information in such a way as they are intuitive for passengers to use and do not make it difficult for passengers to find tickets or information that might be important to them (for example, important information is not “hidden” on subsequent pages/screens).</p>	<p>Information that might affect a passenger’s decision is not provided, is provided in such a way as it is hard to find, or is presented as complete when additional information might be required.</p>
<p>The information retailers provide is consistent with the rights and restrictions attached to a ticket, the National Rail</p>	<p>Retailer provide information that is inconsistent with the rights and restrictions attached to a ticket, the National Rail</p>

Conditions of Carriage and any other of their terms and conditions.	Conditions of Carriage or any other of their terms and conditions, or provide such information in a way that it is ambiguous or likely to mislead.
The information retailers provide is, to the best of their knowledge, accurate and does not mislead.	Retailers knowingly provide information which is incorrect or otherwise misleading. For example, they provide information about (or sell tickets for) trains which they know to have been delayed or cancelled without drawing the passenger's attention to this.

## **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**

This principle is based on the provisions of the CPRs<sup>18</sup> that a commercial practice will be misleading if it omits or hides material information<sup>19</sup> or its overall presentation in any way deceives or is likely to deceive, even if the information is factually correct<sup>20</sup>.

It also reflects industry standards and practices to mark certain points of sale in such a way that passengers know what tickets are sold there.

The purpose of this principle is to help ensure that passengers understand where they can buy the ticket(s) that best suits their needs (for example, if they want the widest possible selection of tickets) and that they understand the nature of the ticket(s) that is being offered to them.

At some points of sale, such as ticket offices and some websites,, train companies and third party retailers are required to sell tickets on an 'impartial' basis. At other points of sale train companies or third party retailers may choose to sell on an impartial basis. This industry specific obligation has two elements: 1) it requires the train company or third party retailer to offer for sale the full range of fares, including those of other train companies; and 2) it requires them to act impartially between train companies to sell the most appropriate ticket for the journey a passenger wants to make, even if that is not one of its own products.

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<sup>18</sup> <http://www.legislation.gov.uk/uksi/2008/1277/contents/made>

<sup>19</sup> Regulation 6(1)(a) and (b)

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However, the service offered at other points of sale, such as ticket vending machines, can be more limited – with train companies or third party retailers sometimes only selling a limited range of all relevant tickets, or sometimes selling only their own tickets (and sometimes only a limited range of these).

These different approaches have the potential to confuse passengers about the range of tickets being provided to them and whether they represent all the appropriate tickets for their journey or only a limited selection. This has the potential to result in them buying a less suitable and/or more expensive ticket than they need, if they are not aware that they are only being provided with a limited selection of fares.

It is therefore important that passengers are made aware of the range of fares that they may be offered at a particular point of sale and, if this is limited, that they are made aware that a more appropriate ticket may be available elsewhere and they are told where they can access a fuller selection.

<b>MORE LIKELY TO COMPLY</b>	<b>LESS LIKELY TO COMPLY</b>
<p>Passengers are made aware of any limitations on the range of tickets available at a given point of sale.</p> <p>For example, if certain points of sale, such as ticket vending machines, offer a restricted range of tickets for sale (e.g. only offer tickets for journeys starting at that station or do not sell Off-Peak tickets during the peak), or do not enable the passenger to access certain types of reduction (e.g. use some</p>	<p>Passengers are not told about any limitations on the range of tickets sold at a given point of sale and/or it is not explained to them where they can access a full/more appropriate range of tickets and/or access a discount.</p>

<p>form of national or regional rail card), then this should be made clear to passengers at that point of sale, along with where they might be able to access a fuller/more appropriate range of tickets.</p>	
<p>Retailers make it 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 most appropriate 'through' ticket(s) for the journey described. They will sell combinations of ticket if specified by the passenger but will not search these out as a matter of course.</p>	<p>It is not made clear to passengers the basis on which the options being presented to them have been selected (e.g. they are for the most popular journeys rather than the most appropriate), or they are led to believe that the ticket(s) being offered to them is the cheapest way of making a given journey when this is not the case.</p>

## ANNEX A

### Main characteristics of the product

Under Regulation 5 of the Consumer Protection Regulations<sup>21</sup>, a commercial practice will be a misleading omission if it omits or hides material information, or provides it in a manner which is unclear, unintelligible, ambiguous or untimely.

Material information includes the information which the average consumer needs, according to the context, to take an informed transactional decision.

The information that might be material to passengers is set out under Principle 1 above. In addition, where a commercial practice is an invitation to purchase, the following information will be material if not already apparent from the context in addition to any other information which is material information:

- 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, such as his trading name, and the identity of any other trader on whose behalf the trader is acting;
- the geographical address of the trader and the geographical address of any other trader on whose behalf the trader is acting;
- either:
  - 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;

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- where appropriate, either:
  - 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;
- the following matters where they depart from the requirements of professional diligence:
  - arrangements for payment;
  - arrangements for delivery;
  - arrangements for performance;
  - complaint handling policy;
- for products and transactions involving a right of withdrawal or cancellation, the existence of such a right.