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National Rail Conditions of Travel

Thank you for your letter of 13 June regarding the National Rail Conditions of Travel (NRCoT) and compensation for delays.

What passengers might be entitled to when their journey is delayed varies depending on the cause of the delay. Train companies have historically had their own compensation arrangements in place. These used to be based on the minimum standards set out in the NRCoT and their individual Passenger's Charters. However, most franchised train companies, including GTR, now operate a more generous 'Delay Repay' scheme (which goes beyond the minimum standards in the NRCoT).

Under Delay Repay, compensation payable is linked to length of the delay, regardless of the cause, and train companies are required to offer at least one 'money' option, in addition to payment in vouchers.

GTR's Delay Repay scheme offers the following level of compensation at the following delay thresholds:

Length of delay	Amount
15-29 minutes	25% of the cost of a single journey
30-59 minutes	50% of the cost of a single journey
60-119 minutes	100% of the cost of a single journey
120+ minutes	100% of the cost of a return journey

In terms of how passengers can choose to receive this compensation, GTR offers the following methods of payment (<https://www.thameslinkrailway.com/help-and-support/journey-problems/delay-repay>):

- Electronic bank transfer (BACS)
- E-voucher (if the passenger has an online account with GTR)
- PayPal (if the passenger has a PayPal account)
- Credit or debit card (excluding MasterCard and AMEX repayments, which GTR is currently unable to process)
- National Rail vouchers
- Cheque

In addition to this, GTR also offers 'enhanced compensation' to season ticket holders, where they experience persistent delays (twelve 30 minute delays in the same four week period) –

although the payment methods are more limited (<https://www.thameslinkrailway.com/help-and-support/journey-problems/delay-repay/enhanced-compensation>).

Separately, train companies are subject to consumer law. This operates in parallel to, and may overlap with, GTR's own arrangements, although when seeking remedies under consumer law the cause of the delay will be a relevant consideration.

The Consumer Rights Act 2015 (CRA) requires, for example, that services are provided with "reasonable care and skill". Where they are not, it provides consumers with remedies, which include a (full or partial) refund. It also provides that consumers have the right for this to be paid in the same form as that in which they made the purchase.

Consumers are also free to seek damages for losses they may have suffered as a result of the service not having been supplied in conformity with the contract.

The changes we recently secured to the NRCoT were designed to provide more clarity to passengers about these rights and also to remove the 'blanket' exemption that previously existed in relation to such 'consequential' loss.

We have written to all train companies (our letter can be found here – http://orr.gov.uk/_data/assets/pdf_file/0005/27932/2018-03-28-nrct-and-the-consumer-rights-act-2015-letter-to-train-companies.pdf), including GTR, in regard for the need to consider claims on a case by case basis, and ensure that passengers are not misled or otherwise put off from making a claim.

We are currently reviewing their responses and the information they provide. We will consider what further action is required, including use of our powers to ensure compliance with consumer law, in light of this.

In summary, passengers can apply for compensation under GTR's own arrangements. Where they fall within these they will be entitled to compensation to the value, and in the forms, shown above. Alternatively, where the CRA applies they may choose to seek to get money back by way of a refund (which they have a right to receive in the same form as that they used to make the purchase) and claim for damages (subject to relevant case law).

Yours sincerely,

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