

TfL Travelcard holders who travelled on Thameslink, Southern, Great Northern, or Gatwick Express could benefit from proposed claim

Currently living in the UK? Do nothing, you are already included. Currently living outside the UK? You must act now to participate.

This is a legal notice that has been issued at the direction of the Competition Appeal Tribunal

- The Competition Appeal Tribunal has decided that a claim filed on behalf of rail passengers against the company Govia Thameslink Railway Limited (“GTR”) and its parent companies which runs the Thameslink, Southern, Great Northern, and Gatwick Express rail franchises may proceed to a full trial.
- Mr Gutmann will act as the class representative, on behalf of a “class” of persons who it is alleged each have suffered losses due to GTR’s conduct.
- Mr Gutmann alleges that GTR has breached competition law by charging TfL Travelcard holders too much for travel on their routes. Travelcard holders have already paid for their travel within the relevant TfL zones, so a Travelcard holder would only need to purchase a (cheaper) ‘boundary’ fare or ‘extension’ fare for the remainder of their route, to get to their destination. However, Mr Gutmann alleges that GTR does not make boundary fares sufficiently available for purchase.
- The class of persons who can bring a claim is:

All persons who, at any point during the period between 24 November 2015 and the date of final judgment or earlier settlement of the Claims (the “**Relevant Period**”) purchased or paid for a rail fare for themselves and/or another person, which was not a Boundary Fare¹ or a fare for the portion of their journey from the last station covered by their Travelcard to their destination, where:

- (a) the person for whom the fare was purchased held a Travelcard (or Travelcards) valid for travel within one or several of TfL’s fare zones (the “**Zones**”) at the time of their journey or, where the fare was a season ticket, for at least the period of validity of that season ticket fare; and
- (b) the rail fare (including a fare for a return journey and a season ticket fare) was for travel in whole or in part on the services of the First Defendant from a station

¹ “Boundary Fare” means a fare valid for travel to or from the outer boundaries of TfL’s fare zones, intended to be combined with a Travelcard whose validity stretches to the relevant zone boundary.

within (but not on the outer boundary of) those Zones to a destination beyond the outer boundary of those Zones.

- No money is available now and there is no guarantee that money will be available in the future. This claim will have to be proved in the Tribunal at trial or concluded by way of an earlier settlement agreed between the class representative and GTR.
- You have important legal rights related to this claim. Exercising these rights could affect your ability to get a payment in the future (if the case is won and money becomes available). This notice explains the claim, who is covered by the claim, your rights in relation to the claim, how to exercise these rights and any related deadlines. Please read this notice carefully as your decisions about this claim will have legal consequences.
- To read the Tribunal's full Collective Proceedings Order and judgment, which allows the claim to proceed, visit www.BoundaryFares.com or www.catribunal.org.uk

YOUR LEGAL RIGHTS AND OPTIONS	
STAY IN THE CLAIM	If you are currently living in the UK as of 19 October 2021 and meet the description of the class, you do not need to do anything at this time to be eligible to claim a share of any money that may become available in the future. By doing nothing, you give up the right to make an individual claim against GTR in respect of the legal claims in this case and you agree to be bound by judgments the Tribunal may issue in this case.
OPT-OUT	If you are currently living in the UK as of 19 October 2021 you have the right to “opt-out” or request to be excluded from the claim by 07 November 2023. By opting-out you keep the right to bring your own separate claim against GTR. However, if you opt-out you will not be able to get any money from this claim (if money becomes available). More information on how to Opt-Out can be found at www.BoundaryFares.com .
OPT-IN	If you are living outside the UK as of 19 October 2021, you will need to “opt-in” to the claim. Complete an Opt-In Form by visiting www.BoundaryFares.com . The deadline for opting-in is by 07 November 2023.

GENERAL INFORMATION

1. Why has this notice been issued?

The Competition Appeal Tribunal has directed that this notice be issued following a Collective Proceedings Order made on 22 March 2023. The Order allows this claim to proceed as a collective claim on behalf of eligible UK class members. To read the full Order and judgment, visit www.BoundaryFares.com or www.catribunal.org.uk.

This notice has been issued to inform you of important legal rights you have related to this

claim. Exercising these rights could affect your ability to get a payment in the future (if money becomes available). This notice explains the claim, who is covered by the claim, your rights in relation to the claim, how to exercise these rights and any related deadlines. Please read this notice carefully as your decisions about this claim will have legal consequences.

2. Who is the claim against?

This is a claim against GTR and its parent companies (Govia Limited, The Go-Ahead Group Limited and Keolis (UK) Limited).

GTR is the train operating company currently operating all rail services under the Thameslink, Southern, Great Northern and Gatwick Express franchises.

3. What did GTR do wrong? What are the claims?

This claim combines the individual claims of class members against GTR for damages arising from their alleged abuse of their dominant position in breach of UK competition law (section 18 of the Competition Act 1998).

It is claimed that GTR has breached competition laws by charging Travelcard holders too much for travel on their routes: specifically, it is alleged that GTR do not make (cheaper) ‘boundary’ fares or ‘extension’ fares available, or sufficiently available, for purchase on their services (the “**GTR claim**”).

The Tribunal has ordered that the GTR claim will be managed and heard together with very similar collective proceedings claims which have been certified against First MTR South Western Trains Limited, Stagecoach South Western Trains Limited and London & South Eastern Railway Limited (and its parent companies) in relation to the South Western and Southeastern rail franchises (the “**SW/SE claims**”).

4. Who has brought the claim? What is the role of the class representative?

The Tribunal has authorised Mr Justin Gutmann to serve as the class representative for this claim.

As the class representative, Mr Gutmann will conduct the claim against GTR on behalf of all class members (except for those who opt-out of the class).

Mr Gutmann will instruct the lawyers and experts, make decisions on the conduct of the claim and, in particular, will decide whether to present any offer of settlement that GTR may make to the Tribunal for its approval.

During the case, Mr Gutmann is responsible for communicating with the class and for issuing formal notices, such as this notice. Updates about the claim will be available on the website www.BoundaryFares.com. Through the media and on social media.

5. Who is Justin Gutmann?

Mr Gutmann has spent a large part of his professional life dedicated to public policy, market research and, specifically, to consumer welfare. His final post prior to retirement was as Head of Research and Insight at Consumer Focus, the UK's statutory consumer champion, and later Citizens Advice. Mr Gutmann also spent eight years working for London Underground as Market Planning Manager. Mr Gutmann is also the Class Representative in the SW/SE claims.

6. Who is in the class?

The Consumer Rights Act 2015 allows for a collective claim to be brought on behalf of a group of individuals who are alleged to have suffered a common loss. The group is the “class” and all individuals within the group are “class members.” As a result of the 2015 Act, groups of persons who have all lost out do not need to each bring an individual claim to obtain compensation for their loss. Instead, class members may all receive compensation through a single, collective claim brought on their behalf by a representative.

In this case, the Tribunal has decided that the class of persons who can bring a claim is: all persons who, at any point during the period between 24 November 2015 and the date of final judgment or earlier settlement of the claims purchased or paid for a rail fare for themselves and/or another person, which was not a Boundary Fare² or a fare for the portion of their journey from the last station covered by their Travelcard to their destination, where:

- i. the person for whom the fare was purchased held a Travelcard (or Travelcards) valid for travel within one or several of TfL's fare zones (the “**Zones**”) at the time of their journey or, where the fare was a season ticket, for at least the period of validity of that season ticket fare; and
- ii. the rail fare (including a fare for a return journey and a season ticket fare) was for travel in whole or in part on the services of GTR from a station within (but not on the outer boundary of) those Zones to a destination beyond the outer boundary of those Zones.

See “Am I part of the class?” below, for additional information.

7. What is an opt-out proceeding? What is the “domicile date”?

This claim is proceeding as an opt-out case. In simple terms, if you don't opt-out, you're in. This process means that, if you are living in the UK as a resident as of 19 October 2021, which is known as the domicile date, and you satisfy the class definition, you are included in the class (and do not need to do anything) unless you ask to be excluded from the class. Asking to be excluded is also called opting-out of the class.

If you are not living in the UK as of 19 October 2021, and you meet the criteria to be in the class, and you want to participate in this claim, you must take steps to say that you want to be included. Asking to be included in the class is called opting-in to the class. You need to consider opting-in if you are living abroad as of the domicile date.

² “Boundary Fare” means a fare valid for travel to or from the outer boundaries of TfL's fare zones, intended to be combined with a Travelcard whose validity stretches to the relevant zone boundary.

All class members who stay in the class or opt-in to the class will be bound by any Tribunal judgment. As a class member, you will not be able to bring an individual claim against GTR raising the same issues included in this claim.

This notice explains how to opt-out or opt-in to the class.

8. How much money does the claim ask for?

The proposed claim seeks compensation for all those who have been affected by the train operating companies' allegedly anti-competitive behaviour. The total sought is around £73.3 million. If the claim is successful, all persons who have an eligible claim will be able to seek their share of the compensation.

9. How do I get a payment?

No money is available now and there is no guarantee that money will be available in the future. The case will have to be won in the Tribunal unless a settlement can be agreed as between the class representative and GTR.

The court process can take time, so please be patient. If, and when, money becomes available, class members will be notified about how to obtain a payment. Please register at www.BoundaryFares.com to stay up to date.

10. What is the Competition Appeal Tribunal?

The Competition Appeal Tribunal is a specialist court based in London that covers the whole of the UK and hears disputes such as these. The Tribunal publishes its Rules and Guidance, together with information about what it does, on its website www.catribunal.org.uk. A summary of the claim against GTR can be found on the Tribunal's website at www.catribunal.org.uk.

WHO IS IN THE CLASS?

11. What does it mean to be a class member?

As a class member, if money becomes available, you will be eligible to receive a payment. You will also be legally bound by all Tribunal judgments with respect to this claim. Whether Mr Gutmann wins money for the class or not, unless you opt-out, you will never be able to make your own claim against GTR in respect of the claims included in this case.

12. Am I part of the class?

The class includes only those domiciled in the UK as of 19 October 2021. If you otherwise fall within the class definition but are not domiciled in the UK as of 19 October 2021, you may opt-in to the proceedings if you choose. Businesses are included in the class. In this case someone domiciled in the UK is the same as a UK resident.

13. Am I a UK resident?

For this case, a UK resident is someone living in England, Wales, Scotland or Northern Ireland. If you are living in the UK on 19 October 2021, you are automatically within the class unless you ask to be removed from the class (*See* “How to Opt-Out or Opt-In,” below). However, if you are not living in the UK on 19 October 2021, you must take steps to opt-in to the class if you want to be part of this claim and be eligible for a payment in the future.

14. What if I am a UK resident and move outside the UK after 19 October 2021?

If you move outside the UK after 19 October 2021, you should keep some documents showing that you were a UK resident on 19 October 2021. If money becomes available in the future and you are living outside of the UK at that time then you may need to show that you were a UK resident on 19 October 2021 to receive your payment.

15. Are businesses included in the class?

Businesses are included in the class. It is called an opt-out class because anyone, including businesses who meets the class definition will be included in the claim automatically and bound by the result, unless they ask to opt-out.

16. I am not sure if I am included in the class.

If you are not sure whether you are included in the class, visit www.BoundaryFares.com to review the Order, the frequently asked questions (FAQs) and answers and other documents, which can help you to determine whether you are a part of the class.

HOW TO OPT-OUT OR OPT-IN

17. I was a UK resident on 19 October 2021 and I want to be removed from the class.

If you were a UK resident on 19 October 2021 and you want to be removed from the class, send a letter to:

Class Representative
Care of: Charles Lyndon
22 Eastcheap
London
EC3M 1EU
Telephone: 0207 058 0050

Include the following statement in your letter “**I want to opt-out of the collective claim against**

GTR, Case No. 1425/7/7/21” along with your full name, postal address, email address and telephone number. Sign and date your opt-out letter. You do not have to give a reason for opting-out.

To be considered, your opt-out letter must be received or postmarked by 07 November 2023. Once your opt-out is received and processed, you will be sent an acknowledgement by email if you have provided an email address, or by post if not.

By opting-out, you will not be able to receive a payment from this claim if money becomes available. However, you may be able to bring your own separate claim against GTR for the same issues.

IMPORTANT CONSIDERATION: Please note, if you opt-out and then wish to bring a claim on your own against GTR, you must do so within six months of the date on which you opt-out. If you do not file an individual claim within this timeframe, your claim will be time barred and not allowed.

18. I was NOT a UK resident on 19 October 2021 and I want to be part of the class.

If you were not a UK resident on 19 October 2021 (even if you were before), you must take steps to opt-in to the class if you want to be part of the claim and be eligible to receive a payment in the future.

Visit www.BoundaryFares.com and complete the Opt-In Form on the website. On the form, you will be asked to provide your full, name, postal address, email address and telephone number. You will also be asked to provide the dates after 24 November 2015 that you were a UK resident.

If you prefer, you may also opt-in by post. Send a letter with the information listed in the previous paragraph. To assist you in submitting an opt-in by post, a sample opt-in letter is available at www.BoundaryFares.com. If you would like to be sent a stamped addressed envelope to submit your opt-in, please send an email with your postal address to: info@boundaryfares.com.

Send your opt-in letter to:

Class Representative Care of:
Charles Lyndon
22 Eastcheap
London
EC3M 1EU
Telephone: 0207 058 0050

To be considered, your opt-in request must be received or postmarked by 07 November 2023. Once your opt-in request is received and processed, you will be sent an acknowledgement by email if you have provided an email address, or by post if not.

IMPORTANT CONSIDERATION: Please note, if you decide not to opt-in and then subsequently wish to bring a claim on your own, you must do so within six months of the deadline for opting in (07 November 2023) or your claim will be time barred and not allowed.

19. If I am NOT a UK resident and do not opt-in by 3 months after publication of this notice, can I get a payment?

Under the rules of the Tribunal, if you are not a UK resident on 19 October 2021, you are required to submit an opt-in request by 07 November 2023 (*see* previous question) to be part of the class. If you do not opt-in by 07 November 2023 and money later becomes available, the only way for you to be eligible to receive a payment is for the Tribunal to give you permission to opt-in at a later time. There is no guarantee this permission will be given, so you must opt-in by 07 November 2023 if you want to be eligible to get a payment.

GETTING MORE INFORMATION

20. How can I stay updated on the progress of the claim?

You can visit www.BoundaryFares.com and register to receive updates and any future notices via email as the claim progresses. If, and when, money becomes available, you will be contacted with information on how to claim your share.

21. How can I get more information?

This notice summarises the Order. To read the full Order and see other information about the claim, visit www.BoundaryFares.com.