

TfL Travelcard holders who travelled on South Western could benefit from a proposed collective settlement

THIS IS A LEGAL NOTICE PRODUCED PURSUANT TO RULE 94.4(f) OF THE COMPETITION APPEAL TRIBUNAL RULES

This is a legal notice published at the direction of the UK Competition Appeal (the “**Tribunal**”), which granted a Collective Proceedings Order on 18 January 2022 (“**CPO**”) in favour of Justin Gutmann, the Class Representative, to bring proceedings against First MTR South Western Trains Limited and Stagecoach South Western Trains Limited.

This notice may be relevant to you if you are someone who falls within the class defined in the CPO and have not already opted-out of the proceedings, namely:

“at any point between 1 October 2015 and 1.59am on 20 August 2017 you purchased or paid for a rail fare for yourself and/or another person, which was not a Boundary Fare or a fare for the portion of your journey from the last station covered by your Travelcard to your destination, where:

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

A copy of the CPO, with an explanation of all the capitalised terms in the above class definition, can be viewed online at www.boundaryfares.com

This legal notice related to a proposed settlement agreed between the Class Representative and Stagecoach South Western Trains Limited (“**SSWT**”) (together, the “**Settling Parties**”) (the “**Proposed Settlement**”). The Tribunal will only approve the Proposed Settlement if it is satisfied that the terms of the Settlement are “*just and reasonable*”, as indicated in Rule 94 of the Tribunal Rules 2015 (which can be viewed online at www.catribunal.org.uk/rules-and-guidance). Therefore, the Settling Parties have filed an application with the Tribunal dated 27 March 2024 (the “**Settlement Application**”), the primary purpose of which is to explain why the Proposed Settlement is “*just and reasonable*”.

The Settlement Application will be considered by the Tribunal at a hearing on 29 April 2024, which is expected to last for one to two days (the “**Settlement Hearing**”).

The purpose of this notice is to provide you with information so that you may consider whether you wish to apply to the Tribunal for permission to make submissions regarding the Settlement Application either in writing in advance of, or in person at, the Settlement Hearing.

A copy of the Settlement Application can be found online www.boundaryfares.com, along with other information about the claim. This notice provides important information about the Proposed Settlement.

THE PROPOSED SETTLEMENT

The Proposed Settlement relates to SSWT only and does not settle the claim against the other Defendant, First MTR South Western Trains Limited, which shall proceed in accordance with the directions of the Tribunal, with the first trial listed to be heard on 17 June 2024. The Proposed Settlement is entered into without any admission of liability by SSWT.

The terms of the Proposed Settlement can be viewed online can be viewed online at www.boundaryfares.com

RIGHT TO BE HEARD AT THE SETTLEMENT HEARING

The Tribunal has listed the Settlement Hearing to take place on 29 April 2024 at the Competition Appeal Tribunal, Salisbury Square House, 8 Salisbury Square, London EC4Y 8AP (telephone: 020 7979 7979).

In accordance with Tribunal Rule 94(7), any Class member may “apply to make submissions either in writing or orally at the hearing of the application for a collective settlement approval order”.

The Tribunal has directed in its Order dated 4 April 2024 (which can be viewed online [here](#)) that any represented persons and/or non-settling parties who intend to contest the Settlement Application and/or be represented at the Settlement Hearing shall inform the Tribunal and the Settling Parties of the same by 10 April 2024.

Any application by a represented person to make submissions in writing or orally at the Settlement Hearing shall be made no later than 4pm on 12 April 2024.

Any application by a non-settling party shall be made no later than 4pm on 12 April 2024.

Should any Class Member have questions about its right to be heard it can contact the Class Representative by email or post to either of the following addresses info@BoundaryFares.com or 22 Eastcheap, London, EC3M 1EU.