

TfL Travelcard holders who travelled on South Western or Southeastern could benefit from proposed claims.

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

The Competition Appeal Tribunal has decided that two claims filed on behalf of rail passengers against the companies which run or used to run the South Western and Southeastern rail franchises¹ may proceed to a full trial. The class representative, Mr. Gutmann, alleges that South Western and Southeastern have breached competition law by charging TfL Travelcard holders too much for travel on their routes.

In general terms, the class includes all persons who, since 1 October 2015, held a TfL Travelcard but also bought a separate train ticket for a train operated by one of the above franchises that passed through the zones for which their Travelcard was valid.

More specifically, the class is all those who, at any point during the Relevant Period², purchased or paid for a rail fare for themselves and/or another person, which was not a Boundary Fare³ or a fare for the portion of their journey from the last station covered by their Travelcard to their destination, where:

- 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
- 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 Defendant(s) from a station 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. These claims will have to be proved in the Tribunal at trial or concluded by way of an earlier settlement agreed between the class representative and South Western and/or Southeastern.

Class members have several 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 South Western and Southeastern in respect of the legal claims in these cases and you agree to be bound by judgments the Tribunal may issue in these cases.

¹ First MTR South Western Trains Limited, Stagecoach South Western Trains Limited and London & South Eastern Railway Limited

² The Relevant Period is the period starting on 1 October 2015 when the law enabling such collective proceedings came into force and ending: (i) in the case of the South Western claim, on the date of final judgment or settlement of the claim; and (ii) in the case of the Southeastern claim, at 2am on 17 October 2021 when London & South Eastern Railway Limited ceased to hold the franchise.

³ “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.

- 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 South Western and Southeastern. However, if you opt-out you will not be able to get any money from these claims (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 either or both claims. Complete an Opt-In Form by visiting www.BoundaryFares.com. The deadline for opting-in is by 07 November 2023.

To read the Tribunal’s full Collective Proceedings Order and judgement and see other information about the claim, visit www.BoundaryFares.com or www.catribunal.org.uk.

PRESS ONLY INFORMATION

Notes to Editors

Justin Gutmann represents the passengers bringing this legal case against South Western and Southeastern. He is aiming to ensure that the train companies have to pay back the money which they earned from passengers paying twice for part of their journeys. This is estimated to be in the region of £93 million.

Mr Gutmann has a wealth of experience working in the consumer rights sphere and he has strong expertise in the transport sector. He has spent a large part of his professional life dedicated to consumer welfare, public policy and market research.

Mr Gutmann’s final job prior to retirement was as Head of Research and Insight at Citizens Advice. Mr Gutmann also spent eight years working for London Underground as a Market Planning Manager.


Mr Gutmann is represented by Charles Lyndon and Hausfeld & Co LLP and his claim is funded by Woodsford Litigation Funding Limited, a founding member of the Association of Litigation Funders of England and Wales.


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