
STATUTORY INSTRUMENTS

2010 No. 1504

The Rail Passengers' Rights and Obligations Regulations 2010

PART 1

Preliminary

Citation and commencement

1.—(1) These Regulations may be cited as the Rail Passengers' Rights and Obligations Regulations 2010.

(2) These Regulations come into force on 25th June 2010.

Extent

2. These Regulations do not extend to Northern Ireland.

Interpretation

3.—(1) In these Regulations—

“the European Regulation” means Regulation (EC) No. 1371/2007 of the European Parliament and of the Council of 23rd October 2007 on rail passengers' rights and obligations ^{M1}[^{F1}as amended by the Rail Passengers' Rights and Obligations (Amendment) (EU Exit) Regulations 2018];

“the 1993 Act” means the Railways Act 1993 ^{M2};

“the ORR” means the [^{F2}Office of Rail and Road].

(2) An expression used in these Regulations and in the European Regulation has the same meaning as in the European Regulation.

Textual Amendments

F1 Words in [reg. 3\(1\)](#) inserted (31.12.2020) by [The Rail Passengers' Rights and Obligations \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1165\)](#), regs. 1(2), [2\(a\)](#); 2020 c. 1, Sch. 5 para. 1(1)

F2 Words in [reg. 3\(1\)](#) substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), [Sch. para. 10\(bb\)\(i\)](#)

Marginal Citations

M1 OJ No. L315, 3.12.2007, p.14.

M2 1993 c.43. Part 1 of that Act was amended by the [Deregulation and Contracting Out Act 1994 \(c.40\)](#), [Schedules 2, 4 and 17](#), the [Competition Act 1998 \(c.41\)](#), [Schedules 10 and 14](#), the [Pollution Prevention and Control Act 1999 \(c.24\)](#), [Schedule 2](#), the [Greater London Authority Act 1999 \(c.29\)](#), [section 200](#), the [Transport Act 2000 \(c.38\)](#), [sections 212, 223, 224, 225, 226, 230, 232, 242 and 243](#) and [Schedules 16, 17, 27 and 31](#), the [Enterprise Act 2002 \(c.40\)](#), [Schedules 9 and 25](#), the [Railways and Transport Safety Act 2003 \(c.20\)](#), [Schedules 2 and 8](#), the [Communications Act 2003 \(c.21\)](#),

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Schedule 16, the Railways Act 2005 (c.14), **sections 3** and 21 and Schedules 1, 11 and 13, the Tribunals, Courts and Enforcement Act 2007 (c.15), **Schedule 13** and S.I. 1999/506, **article 33**, 1999/1750, Schedule 5, 2003/1398, the Schedule, 2004/1261, Schedule 2, 2005/3049, regulation 2 and 2005/3050, Schedule 1.

PART 2

Relationship between the European Regulation and other passenger rights

CHAPTER 1

Relationship with the rights under the COTIF Convention

Relationship with the COTIF Convention and COTIF Regulations

4.—(1) To the extent that there is a conflict between—

- (a) the COTIF Regulations, including the Convention to which they give the force of law, and
- (b) these Regulations,

the latter shall prevail.

(2) In the COTIF Regulations, after regulation 2 (interpretation), insert—

“Relationship with the Rail Passengers' Rights and Obligations Regulations 2010

2A. To the extent that there is a conflict between—

- (a) these Regulations, including the Convention to which they give the force of law, and
- (b) the Rail Passengers' Rights and Obligations Regulations 2010,

the latter shall prevail.”

(3) In this regulation—

“the Convention” has the same meaning as in the COTIF Regulations, and

“the COTIF Regulations” means the Railways (Convention on International Carriage by Rail) Regulations 2005 ^{M3}.

Marginal Citations

M3 [S.I. 2005/2092](#).

CHAPTER 2

Civil remedies

Contribution between parties responsible for damage

5.—(1) Sections 1 and 2 of the Civil Liability (Contribution) Act 1978 ^{M4} (entitlement to and assessment of contribution) do not apply where liability for contribution between persons liable in respect of the same damage is governed by the European Regulation.

(2) In paragraph (1), “contribution between persons liable in respect of the same damage” has the same meaning as in section 1(1) of the Civil Liability (Contribution) Act 1978 (entitlement to contribution).

(3) Section 3 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1940^{M5} (contribution among joint wrongdoers) does not apply where liability inter se for contribution between persons liable in damages or expenses is governed by the European Regulation.

(4) In paragraph (3), “liability inter se for contribution between persons liable in damages or expenses” has the same meaning as in section 3 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1940.

Marginal Citations

M4 1978 c.47.

M5 1940 c.42.

Claims relating to advance payments

6.—(1) No person may bring proceedings against a railway undertaking in respect of an infringement of the right conferred by Article 13(1) of the European Regulation unless—

- (a) the person has requested the railway undertaking in writing to make an advance payment under that provision, and
- (b) at least fifteen days have elapsed since that written request was received by the undertaking.

(2) In proceedings in respect of the breach of a right to an advance payment under Article 13 of the European Regulation, to the extent that this would not conflict with that Article, the court has jurisdiction to reduce an award to take into account the extent to which the undertaking acted reasonably.

(3) In such proceedings, the court has jurisdiction to reduce the award, or decline to make such an award, to take into account—

- (a) any interim payment made in respect of the accident under—
 - (i) in England and Wales, Part 25 of the Civil Procedure Rules 1998^{M6}, or
 - (ii) in Scotland—
 - (aa) rule 43.11 of the Rules of the Court of Session 1994^{M7}, or
 - (bb) rule 36.9 of the Ordinary Cause Rules 1993^{M8}; or
- (b) any payment made in any court proceedings in respect of the accident.

(4) In any other proceedings, including proceedings for an interim payment under the enactments referred to in paragraph (3)(a), the court has jurisdiction to award a lesser amount than it would otherwise have awarded to take into account the fact that an award has been made under Article 13(1) of the European Regulation.

Marginal Citations

M6 S.I. 1998/3132; relevant amending instruments are the [Constitutional Reform Act 2005 \(c.4\)](#), [Schedule 11](#), S.I. 1999/1008, regulation 8, 2000/221, regulation 11 and Schedule 3, 2001/4015, regulation 17, 2002/2058, regulation 7, 2002/3219, regulation 3, 2004/2072, regulation 9, 2004/3419, regulation 5, 2005/2292, regulation 26, and 2005/3515, regulation 7.

M7 The Rules of the Court of Session are set out in Schedule 2 to the Act of Sederunt (Rules of the Court of Session 1994) 1994, S.I. 1994/1443 (S.69), amended by S.S.I. 2002/570, S.S.I. 2004/331 and S.S.I. 2006/83.

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M8 First Schedule to the Sheriff Courts (Scotland) Act 1907(c.51) as substituted in respect of causes commenced on or after 1st January 1994 by [S.I. 1993/1956](#) and amended by [S.S.I. 2004/197](#).

Fatal accidents: England and Wales

7.—(1) Where, by virtue of the European Regulation, any person has a right of action in respect of the death of a passenger by reason of that person being a person whom the passenger was under a legal duty to maintain—

- (a) subject to paragraph (2), no action in respect of the passenger's death may be brought for the benefit of that person under section 1 of the Fatal Accidents Act 1976 ^{M9} (right of action for wrongful act causing death) (“the 1976 Act”), but
- (b) nothing in section 2(3) of that Act (not more than one action in respect of the same subject matter of complaint) prevents an action from being brought under the 1976 Act for the benefit of any other person.

(2) Nothing in paragraph (1)(a) affects the right of any person to claim damages for bereavement in reliance on section 1A of the 1976 Act.

(3) Section 4 of the 1976 Act (assessment of damages: disregard of benefits) applies in relation to an action brought under the European Regulation as it applies in relation to an action brought under that Act.

(4) Where separate proceedings are brought under the European Regulation and under the 1976 Act in respect of the death of a passenger, a court, in awarding damages under that Act—

- (a) shall take into account any damages awarded in the proceedings brought under the European Regulation, and
- (b) has jurisdiction to make any part of its award conditional on the result of those proceedings.

Marginal Citations

M9 [1976 c.30](#). That Act was amended by the [Administration of Justice Act 1982 \(c.53\)](#), [section 3](#), the [Civil Partnerships Act 2004 \(c.33\)](#), [section 83](#), and [S.I. 2007/3489](#).

Fatal accidents: Scotland

8.—(1) This regulation extends to Scotland only.

(2) Subject to paragraph (3), no enactment or rule of law shall have effect so as to permit a person who has a right of action under the European Regulation in respect of the death of a passenger by virtue of him or her being a person whom the passenger was under a legal duty to maintain to raise any other action in that respect for any loss of support suffered by him or her.

(3) Paragraph (2) shall not apply in so far as the other action concludes for an award under section 1(4) of the Damages (Scotland) Act 1976 ^{M10}.

(4) Section 1(5) of that Act (exclusion of certain items in assessment of damages) shall apply to an action brought under the European Regulation as it applies to an action brought under that Act, but section 6 of that Act shall not apply to such an action under the European Regulation.

(5) Where separate proceedings in respect of the death of a passenger are brought under the European Regulation and under any other enactment or rule of law the court, in awarding damages in such other proceedings, shall take into account any damages awarded in the proceedings brought under the European Regulation and may make any part of its award conditional on the result of those proceedings.

Marginal Citations

M10 1976 c.13; section 1(4) was amended by the Damages (Scotland) Act 1993 (c.5), section 1(1).

Periodical payments

9. In section 2 of the Damages Act 1996^{M11} (periodical payments), before subsection (1), add—
- “(A1) In cases where Regulation (EC) No. 1371/2007 of the European Parliament and of the Council of 23rd October 2007 on rail passengers' rights and obligations applies, this section needs to be read in the light of Article 30 of the Uniform Rules concerning the contract for the international carriage of passengers and luggage by rail (damages to be awarded as annuity on request), as set out in Annex I to that Regulation.”

Marginal Citations

M11 1996 c.48. Section 2 was substituted, in respect of England and Wales, by the Courts Act 2003 (c.39), section 100.

CHAPTER 3

Rights of disabled persons and persons with reduced mobility

Amendment of section 19 of the Disability Discrimination Act 1995

^{F3}10.

Textual Amendments

F3 Reg. 10 omitted (1.10.2010 immediately after the commencement of S.I. 2010/2779) by virtue of The Equality Act 2010 (Commencement No. 4, Savings, Consequential, Transitional, Transitory and Incidental Provisions and Revocation) Order 2010 (S.I. 2010/2317), arts. 1(2), 23

Compensation claims by disabled persons and persons with reduced mobility

11.—(1) A claim by a disabled person or a person with reduced mobility for an infringement of any of his or her rights as such a person under the European Regulation may be made the subject of civil proceedings in the same way as any other claim in tort or (in Scotland) in reparation for breach of statutory duty.

(2) For the avoidance of doubt, any damages awarded in respect of any infringement of the rights of disabled persons and persons with reduced mobility under the European Regulation may include compensation for injury to feelings whether or not they include compensation under any other head.

(3) Proceedings in England and Wales may be brought only in a county court.

(4) Proceedings in Scotland may be brought only in a sheriff court.

(5) The remedies available in such proceedings are those which are available in the High Court or (as the case may be) the Court of Session.

(6) Subject to paragraphs (7) and (8), a county court or a sheriff court is not to consider a claim under this regulation unless proceedings in respect of it are instituted before the end of the period of six months beginning when the infringement complained of occurred.

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(7) Where, in relation to proceedings or prospective proceedings under this regulation, the dispute concerned is referred to conciliation in pursuance of arrangements under section 27 of the Equality Act 2006^{M12} before the end of the period of six months mentioned in paragraph (6), the period allowed by that paragraph is to be extended by three months.

(8) A court may consider any claim under this regulation that is out of time if, in all the circumstances of the case, it considers that it is just and equitable to do so.

Marginal Citations

M12 2006 c.3. Section 27 was amended by [S.I. 2006/1031](#), 2007/1895, 2007/2405 and 2007/2914.

Amendment of section 27 of the Equality Act 2006

12. In section 27 of the Equality Act 2006 (conciliation), after subsection (1A), insert—

“(1B) The Commission may make arrangements for the provision of conciliation services for disputes in respect of which proceedings have been or could be brought in England and Wales or Scotland under regulation 11 of the Rail Passengers' Rights and Obligations Regulations 2010 (compensation claims by disabled persons and persons with reduced mobility).”

PART 3

Regulation of the railway

Enforcement body: the [^{F4}Office of Rail and Road]

13.—(1) Subject to paragraph (4), the ORR is designated as the enforcement body for ^{F5}... the European Regulation.

(2) Accordingly, it is the duty of the ORR to use its powers under these Regulations and any other enactment to take the measures necessary to ensure that the European Regulation is complied with.

(3) Section 4(1) to (6) of the 1993 Act (general duties of the Secretary of State and the Office of [^{F6}Office of Rail and Road]) do not apply in relation to the performance by the ORR of its functions under Part 1 of the 1993 Act or the Railways Act 2005^{M13} in so far as its exercise of those functions is for the purposes of ensuring that the European Regulation is complied with.

(4) The ORR is not the enforcement body in relation to Article 26 of the European Regulation (personal security of passengers).

Textual Amendments

- F4** Words in [reg. 13](#) heading substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), [reg. 1\(2\)](#), [Sch. para. 10\(bb\)](#)
- F5** Words in [reg. 13\(1\)](#) omitted (31.12.2020) by virtue of [The Rail Passengers' Rights and Obligations \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1165\)](#), [regs. 1\(2\)](#), [2\(b\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F6** Words in [reg. 13](#) substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), [reg. 1\(2\)](#), [Sch. para. 10\(bb\)\(ii\)](#)

Marginal Citations

M13 2005 c.14.

Duties of the ORR in respect of station licences

14.—(1) The ORR must include, or require the Secretary of State to include, in a station licence issued under section 8 of the 1993 Act on or after the date on which these Regulations come into force conditions that ensure that the licence holder complies with the provisions of the European Regulation specified in the Schedule that apply to station managers.

(2) Where a station licence has been issued before the date on which these Regulations come into force, the ORR may, where in its opinion it is necessary or expedient to do so—

- (a) modify or require to be modified any existing licensing condition, or
- (b) impose or require to be imposed a licence condition,

in each case to ensure that the licence holder complies with the provisions of the European Regulation specified in the Schedule that apply to station managers.

(3) This regulation applies only in relation to the operation of stations used or to be used for the purposes of rail journeys to which the European Regulation applies.

(4) In this regulation, “station” and “station licence” have the meaning given by section 83 of the 1993 Act.

Duties of the ORR in respect of European licence conditions

15.—(1) The ORR must include in any statement of national regulatory provisions issued under the Railway (Licensing of Railway Undertakings) Regulations 2005^{M14}, on or after the date on which these Regulations come into force, conditions that ensure that the licence holder complies with the provisions of the European Regulation specified in the Schedule that apply to railway undertakings.

(2) Where such a statement has been issued before the date on which these Regulations come into force, the ORR may, where in its opinion it is necessary or expedient to do so—

- (a) modify any existing condition in the statement, or
- (b) impose in the statement a condition,

in each case to ensure that the licence holder complies with the provisions of the European Regulation specified in the Schedule that apply to railway undertakings.

Marginal Citations

M14 S.I. 2005/3050.

Personal security of passengers

16. Where in the opinion of the Secretary of State it is necessary or expedient to do so, the Secretary of State shall use the powers under section 119 of the 1993 Act to ensure that Article 26 of the European Regulation (personal security of passengers) is enforced.

Channel Tunnel Rail Link station operators and independent ticket vendors

17.—(1) Subject to regulation 13(3), sections 55 to 58 of the 1993 Act apply to a breach of the requirements to which paragraphs (2) and (3) apply as those sections apply to a breach by a licence holder of the conditions of its licence.

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(2) This paragraph applies to a breach by the operator of a rail link station of the requirements imposed on station managers by the provisions of the European Regulation listed in the Schedule.

(3) This paragraph applies to a breach by a ticket vendor who is not a railway undertaking of the requirements imposed on ticket vendors by the provisions of the European Regulation listed in the Schedule.

(4) In this regulation—

“operator”, “licence” and “licence holder” have the same meaning as in Part I of the 1993 Act ^{M15};

“rail link station” has the same meaning as in section 16 of the Channel Tunnel Rail Link Act 1996 ^{M16}.

Marginal Citations

M15 See sections 55 and 83 of that Act.

M16 1996 c.61.

Bodies handling complaints

18.—(1) The Passengers' Council is designated as a body to which complaints may be made [^{F7}about an alleged infringement of the European Regulation], in relation to matters that fall within its functions under any enactment (other than this regulation), disregarding any order made under section 76(7B) or (7C) of the 1993 Act ^{M17} (power to exclude specified services from general duties of the Passengers' Council).

(2) In matters for which the Passengers' Council is a body to which complaints may be made [^{F8}about an alleged infringement of the European Regulation], section 76 of the 1993 Act (general duties of the Passengers' Council) has effect as if—

(a) in subsection (5)—

(i) the references to the Secretary of State included a reference to the ORR, and

(ii) in relation to a matter being referred to the ORR under that subsection as modified by paragraph (i), the words “unless representations about the matter have been made to the Secretary of State by the Passengers' Council” were omitted,

(b) subsection (5A) ^{M18} were omitted, and

(c) in subsection (7), the reference to the Secretary of State included a reference to the ORR.

(3) The London Transport Users' Committee is designated as a body to which complaints may be made [^{F9}about an alleged infringement of the European Regulation], in relation to matters that fall within its functions under any enactment (other than this regulation), disregarding any order made under section 252E of the Greater London Authority Act 1999 ^{M19} (power to make exclusions from duties of Committee).

(4) In matters for which the London Transport Users' Committee is a body to which complaints may be made [^{F10}about an alleged infringement of the European Regulation], section 252C of the Greater London Authority Act 1999 (action on investigation under section 252B) has effect as if—

(a) in subsection (3)—

(i) the references to the Secretary of State included a reference to the ORR, and

(ii) in relation to a matter being referred to the ORR under that subsection as modified by paragraph (i), the words “subject to subsection (4)” were omitted,

- (b) subsection (4) did not apply in relation to the reference of a matter to the ORR under that subsection as modified by sub-paragraph (a)(i),
- (c) subsection (5) were omitted, and
- (d) in subsection (6), the reference to the Secretary of State included a reference to the ORR.

Textual Amendments

- F7** Words in [reg. 18\(1\)](#) substituted (31.12.2020) by [The Rail Passengers' Rights and Obligations \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1165\)](#), regs. 1(2), **2(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in [reg. 18\(2\)](#) substituted (31.12.2020) by [The Rail Passengers' Rights and Obligations \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1165\)](#), regs. 1(2), **2(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in [reg. 18\(3\)](#) substituted (31.12.2020) by [The Rail Passengers' Rights and Obligations \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1165\)](#), regs. 1(2), **2(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in [reg. 18\(4\)](#) substituted (31.12.2020) by [The Rail Passengers' Rights and Obligations \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1165\)](#), regs. 1(2), **2(c)**; 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

- M17** [Section 76\(7B\)](#) and (7C) were inserted by the [Transport Act 2000 \(c.38\)](#), **section 228(1)** and (4).
- M18** [Section 76\(5A\)](#) was inserted by the [Transport Act 2000](#), Schedule 17, and amended by the [Railways Act 2005 \(c.14\)](#), **Schedule 1**, and the [Railways and Transport Safety Act 2003 \(c.20\)](#), **Schedule 2**.
- M19** 1999 c.29. Sections 252A to 252E were inserted by the [Railways Act 2005 \(c.14\)](#), **Schedule 6**.

Restrictions on disclosure of information

19. Section 145 of the 1993 Act (restriction on disclosure of information) shall have effect in relation to information—

- (a) which has been obtained by the ORR, the Passengers' Council or the London Travel Users' Committee in the exercise of their functions under Article 30, and
- (b) which relates to the affairs of any individual or to any particular business,

as it has effect in relation to such information obtained under or by virtue of any of the provisions of that Act.

Signed by authority of the Secretary of State for Transport

Department for Transport

Theresa Villiers
Minister of State

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Changes and effects yet to be applied to :

- schedule rev by [S.I. 2010/1524 reg 2](#)