



**Alleged Overcharging of  
Millions of Customers by  
Train Companies in the  
London Area**

**Woodsford Case Study**

# Alleged Overcharging of Millions of Customers by Train Companies in the London Area

A clean, efficient and affordable public transport system is essential to a world-class city like London. Successive mayors of all political stripes have expended considerable energy to get people out of their cars and on to public transport to relieve congestion and reduce harmful, polluting emissions.

When Train Operating Companies (TOCS) overcharge their customers, the impact is not only felt by the individual who has been fleeced. The inevitable increase in car journeys will have a broader societal impact.

In February 2019 Woodsford announced that we are funding a £100m claim in the UK's specialist competition court on behalf of millions of passengers who have paid twice for part of their journeys on routes in and out of London.

Woodsford is funding consumer champion Justin Gutmann as a class representative in 'Boundary fares' actions against London & South Eastern Railway, First MTR South Western Trains and Govia Thameslink.

Boundary fares enable rail passengers to travel beyond the zones included in their pre-paid Travelcard by only charging for the part of the journey outside the zones already covered. Mr Gutmann alleges that train operators failed to make cheaper boundary fares readily available for Travelcard holders or make passengers aware of their existence. These shortcomings left millions of customers with little option but to pay a higher fare than required or find an alternative means of getting to their destination.

The claim is unique in that it is both the first claim to be brought in the UK's Competition Appeal Tribunal (CAT) on the basis of abuse of a dominant position and also the first standalone claim to be brought in the CAT.

## Certification by the Court

Having considered Mr Gutmann's financial resources, including Woodsford's funding, relevant fee arrangements with his lawyers and his arrangements with insurers, the CAT found that:

- collective proceedings are suitable, based on a range of considerations; and



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- it's just and reasonable for Mr Gutmann to represent the claimants – acting fairly and adequately in the interests of the class members.

Which means that passengers who owned a Travelcard at any time from 1 October 2015 and purchased a rail fare, from a station within their Travelcard zones(s) to a destination outside of those zones, may be eligible for compensation. If they live in the UK they are automatically included in the claim, although they can choose to opt-out in due course. Affected passengers who don't live in the UK can join the claim if they proactively opt-in.

## No Woodsford, No Redress

We are funding the legal bills and all the other costs of the claim and will pay the defendants' costs if the claim fails - we shoulder all the financial risks. The costs run into millions of pounds to be funded over many years. Without Woodsford's non-recourse funding redress would be impossible, the overcharging of consumers would have gone unchallenged and the behaviour of the TOCS would remain unchanged.

## In short

Woodsford has facilitated a significant claim that couldn't have been brought by individual claimants. The claim, the class representative and the funding arrangements were all approved by the CAT at an early stage. The CAT must approve any settlement.

We worked closely with Hausfeld, Charles Lyndon and Monckton Chambers in the development of the legal strategy and financial structures on this ground-breaking case.

We believe the CAT regime provides opportunities for funders and forward-thinking, entrepreneurial law firms to develop claims that both deliver redress to victims of corporate wrong-doing and persuade the offending businesses to modify their future behaviour.

For further information, visit <https://boundaryfares.com/>

The case is ongoing.

## About Woodsford

Founded in 2010 and with a presence in London, New York, Brisbane, Philadelphia and Minneapolis, Woodsford is a leading ESG, access to justice and litigation finance business.

Whether it is helping consumers achieve collective redress, ensuring that investors and universities are properly compensated when Big Tech infringes intellectual property rights, or helping shareholders in collaborative, escalated engagement up to and including litigation with listed companies, Woodsford is committed to ensuring the highest ESG standards while providing access to justice.

Working globally with many of the world's leading law firms, our legal experience, investment, business and technical expertise, in tandem with our significant financial muscle, makes us a powerful partner and a formidable adversary.

For further information, visit  
[www.woodsford.com](http://www.woodsford.com)

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