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**Secretariat memorandum**

Author : Christine Evans

Agenda item7

FT23

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**Report from Casework Committee to Fares and Ticketing Committee on Oyster card refund issues**

**1 Purpose of report**

- 1.1. To provide the Committee with a briefing on the work to date of the Casework Committee, on Oyster Card refund issues, and to ask the Committee to pursue the issues with TfL

**2 Information**

At its meeting on 28 January 2009, The Casework Committee considered a report provided by the Casework Manager on the difficulties that Oyster users had when trying to claim refunds, particularly for instances either where they had been wrongly charged or where they had been charged for not 'touching in/out', etc.

- 2.1. Issues included in the report were :

- The 14 day deadline for making claims (TOCs allow 28 days for claims)
- The 8 weeks period after which Oyster cannot access Oyster records
- Delays by Oyster in processing claims, resulting in the '8 weeks' problem, when the claimant had submitted the claim well within the 8 weeks
- Oyster's refusal to accept statements obtained from a station as proof of overpayment

- 2.2. Reasons given by claimants for not being able to claim within the 14 day timescale (national railways allow 28 days to claim) included :

- Not being a regular user of PAYG, so not discovering the problem from an Oyster card statement until too late to claim
- Living outside the Oyster card area, and making few journeys into London (see above)
- Going on holiday/being out of the country while the 14 day clock was ticking
- Not receiving a bank/credit card statement that shows an overpayment until after the 14 day deadline had passed
- Claimants provide statements of the last 8 weeks, but Oyster say that it can't use them as the 8 weeks had since passed, due to a delay on Oyster's part (not the claimant's)

- 2.3. Members agreed that it was necessary to raise the issues outlined above with Oyster, and that it would be passed to the Fares and Ticketing Committee for resolution.
- 2.4. The Casework Manager's report to the Committee contained various cases as examples. This material may be view if necessary, but it is extremely confidential.

### **3 Work to date**

- 3.1. In particular, the Casework Team sought an explanation from TfL for the apparently conflicting statement that a printout from a station was worthless for the purposes of claiming money back, yet such a statement could not be considered because it had been received after the 8 week cut-off. Either such a statement can be accepted as proof or it cannot, and, if not, the timeliness of submission is irrelevant.
- 3.2. The Casework Team had not received a satisfactory response to this query by the time of reporting to the Casework Committee in January 2009, nor by the time of writing this report.

### **4 Equalities and inclusion implications**

- 4.1. None

### **5 Legal powers**

- 5.1. Section 248 of the Greater London Authority Act 1999 requires London TravelWatch (as the London Transport Users Committee) to consider, and where it appears to it to be desirable, to make recommendations with respect to any service or facility provided by or for (or in the case of hackney carriages and private hire vehicles, licensed by) Transport for London, other than a matter relating to the transportation of freight, if it has been the subject of representations made by or on behalf of users of that service or facility. Section 252B of the same Act places a similar duty on the Committee in respect of users or potential users of railway services provided wholly or partly within the "London railway area" as defined under the provisions of the Railways Act 1993. The Committee is not required to consider matters which appear to it to be frivolous or (in the case of railway services) vexatious.

### **6 Financial implications**

- 6.1. None

### **7 Recommendation**

- 7.1. That the Fares and Ticketing Committee takes this matter forward as part of its work plan.