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*Changes to legislation: There are currently no known outstanding effects for the Consumer Rights Act 2015, Paragraph 11. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 8

#### PRIVATE ACTIONS IN COMPETITION LAW

##### PART 1

##### COMPETITION ACT 1998

11 (1) After section 49A (inserted by paragraph 10) insert—

**“49B Collective settlements: where a collective proceedings order has not been made**

- (1) The Tribunal may, in accordance with this section and Tribunal rules, make an order approving the settlement of claims (a “collective settlement”) where—
  - (a) a collective proceedings order has not been made in respect of the claims, but
  - (b) if collective proceedings were brought, the claims could be made at the commencement of the proceedings (disregarding any limitation or prescriptive period applicable to a claim in collective proceedings).
- (2) An application for approval of a proposed collective settlement must be made to the Tribunal by—
  - (a) a person who proposes to be the settlement representative in relation to the collective settlement, and
  - (b) the person who, if collective proceedings were brought in respect of the claims, would be a defendant in those proceedings (or, where more than one person would be a defendant in those proceedings, such of those persons as wish to be bound by the proposed collective settlement).
- (3) The persons applying to the Tribunal under subsection (2) must provide agreed details of the claims to be settled by the proposed collective settlement and the proposed terms of that settlement.
- (4) The Tribunal may make an order approving a proposed collective settlement (see subsection (8)) only if it first makes a collective settlement order.
- (5) The Tribunal may make a collective settlement order only—
  - (a) if it considers that the person described in subsection (2)(a) is a person who, if the order were made, the Tribunal could authorise to act as the settlement representative in relation to the collective settlement in accordance with subsection (7), and

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- (b) in respect of claims which, if collective proceedings were brought, would be eligible for inclusion in the proceedings (see section 47B(6)).
- (6) A collective settlement order must include the following matters—
- (a) authorisation of the person described in subsection (2)(a) to act as the settlement representative in relation to the collective settlement, and
  - (b) description of a class of persons whose claims fall within subsection (5)(b).
- (7) The Tribunal may authorise a person to act as the settlement representative in relation to a collective settlement—
- (a) whether or not that person is a person falling within the class of persons described in the collective settlement order for that settlement, but
  - (b) only if the Tribunal considers that it is just and reasonable for that person to act as the settlement representative in relation to that settlement.
- (8) Where the Tribunal has made a collective settlement order, it may make an order approving a proposed collective settlement only if satisfied that its terms are just and reasonable.
- (9) A collective settlement approved by the Tribunal is binding on all persons falling within the class of persons described in the collective settlement order.
- (10) But a collective settlement is not binding on a person who—
- (a) opts out by notifying the settlement representative, in a manner and by a time specified, that the claim should not be included in the collective settlement, or
  - (b) is not domiciled in the United Kingdom at a time specified, and does not, in a manner and by a time specified, opt in by notifying the settlement representative that the claim should be included in the collective settlement.
- (11) In this section, “settlement representative” means a person who is authorised by a collective settlement order to act in relation to a collective settlement.”
- (2) Section 49B of the Competition Act 1998 applies to claims arising before the commencement of this paragraph as it applies to claims arising after that time.

**Commencement Information**

**II** Sch. 8 para. 11 in force at 1.10.2015 by S.I. 2015/1630, art. 3(j)

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