Competition Act 1998

1998 CHAPTER 41

PART I

COMPETITION

CHAPTER IV

[F1APPEALS BEFORE THE TRIBUNAL AND PROCEEDINGS AND SETTLEMENTS RELATING TO INFRINGEMENTS OF COMPETITION LAW]

[F1*Claims for loss or damage: proceedings before the Tribunal]*

[F147C   Collective proceedings: damages and costs

F2(1) . . . .

(2) The Tribunal may make an award of damages in collective proceedings without undertaking an assessment of the amount of damages recoverable in respect of the claim of each represented person.

(3) Where the Tribunal makes an award of damages in opt-out collective proceedings, the Tribunal must make an order providing for the damages to be paid on behalf of the represented persons to—
   (a)   the representative, or
   (b)   such person other than a represented person as the Tribunal thinks fit.

(4) Where the Tribunal makes an award of damages in opt-in collective proceedings, the Tribunal may make an order as described in subsection (3).

(5) Subject to subsection (6), where the Tribunal makes an award of damages in opt-out collective proceedings, any damages not claimed by the represented persons within a specified period must be paid to the charity for the time being prescribed by order made by the Lord Chancellor under section 194(8) of the Legal Services Act 2007.

Changes to legislation: Competition Act 1998, Section 47C is up to date with all changes known to be in force on or
before 19 May 2023. There are changes that may be brought into force at a future date. Changes that have been made
appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(6) In a case within subsection (5) the Tribunal may order that all or part of any damages not claimed by the represented persons within a specified period is instead to be paid to the representative in respect of all or part of the costs or expenses incurred by the representative in connection with the proceedings.

(7) The Secretary of State may by order amend subsection (5) so as to substitute a different charity for the one for the time being specified in that subsection.

(8) A damages-based agreement is unenforceable if it relates to opt-out collective proceedings.

(9) In this section—

   (a) "charity" means a body, or the trustees of a trust, established for charitable purposes only;

   (b) "damages" (except in the term "exemplary damages") includes any sum of money which may be awarded by the Tribunal in collective proceedings (other than costs or expenses);

   (c) "damages-based agreement" has the meaning given in section 58AA(3) of the Courts and Legal Services Act 1990.]

Textual Amendments

F1   S. 47C inserted (1.10.2015) by Consumer Rights Act 2015 (c. 15), s. 100(5), **Sch. 8 para. 6**; S.I. 2015/1630, art. 3(j)

F2   S. 47C(1) omitted (9.3.2017) by virtue of The Claims in respect of Loss or Damage arising from Competition Infringements (Competition Act 1998 and Other Enactments (Amendment)) Regulations 2017 (S.I. 2017/385), reg. 1(2), **Sch. 2 para. 4(1)** (with Sch. 2 paras. 4(2), 10)

Changes to legislation:
Competition Act 1998, Section 47C is up to date with all changes known to be in force on or before 19 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
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Changes and effects yet to be applied to :
–   s. 46-49 applied in part by S.I. 2023/80 art. 22

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
–   Blanket Amendment words substituted by 2005 c. 4 Sch. 11 para. 5

Whole provisions yet to be inserted into this Act (including any effects on those provisions):
–   s. 31G-31L and cross-heading inserted by S.I. 2019/93, reg. 8A (as inserted) by S.I. 2019/1245 reg. 3 (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
–   s. 46(3)(ha)(hb) inserted by S.I. 2019/93, reg. 14(d) (as inserted) by S.I. 2019/1245 reg. 5 (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
–   s. 47(1)(ca) inserted by S.I. 2019/93, reg. 15(b) (as substituted) by S.I. 2019/1245 reg. 6 (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
–   Sch. 6A para. 1A inserted by S.I. 2019/93, reg. 29A(2) (as inserted) by S.I. 2019/1245 reg. 7 (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
–   Sch. 6A Pt. 3 inserted by S.I. 2019/93, reg. 29A(4) (as inserted) by S.I. 2019/1245 reg. 7 (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)