Consumer and Competition Policy Directorate
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Response to BEIS Reforming Competition and Consumer Policy Consultation

As individuals who have filed collective claims on behalf of consumers with the Competition Appeal Tribunal we are pleased to submit the following high-level points with regards to collective proceedings. This response draws on both our experience as Proposed Class Representatives in the UK collective redress process and our wider experience of seeking redress and fairer market conditions for consumers over several years:

1. Redress options in the UK are relatively limited and inconsistent meaning the opportunity to obtain redress depends on the sector or type of harm that has occurred. Collective consumer enforcement actions are a valuable option for consumers who experience disbenefit of a small but widespread kind which would otherwise be practically and financially unfeasible to bring to court.
2. Since 2015, consumers have been able to bring collective action to the Competition Appeals Tribunal in certain instances. Numerous cases have been brought covering digital sectors, transport and finance. However, it is only cases where consumer harm has occurred due to anti-competitive practice that are eligible for consideration. Collective actions cannot be brought for a range of systemic breaches of consumer law such as unfair terms in consumer contracts and mis-selling unless they are the result of anti-competitive practice.
3. Bringing the collective redress regime for consumer law breaches in line with the existing collective redress regime for competition law breaches would help a much greater number of consumers to get redress. The EU Collective Redress extended collective redress options for any sectors governed by provisions which protect the interests of consumers, this approach would simplify and open up options for action.
4. We would expect to see a deterrent effect as the profile and availability of collective consumer redress options grow, particularly in areas where companies have been effectively beyond the reach of consistent, substantial action for some time.
5. Features to support collective consumer redress proceedings include: opt-out provisions where a representative individual or body can initiate proceedings on behalf of affected individuals in the class without requiring individual action; the ability to claim for material and other forms of damage; third party funding with appropriate safeguards.

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