



Competition Act 1998

1998 CHAPTER 41

PART I

COMPETITION

CHAPTER IV

[^{F1}APPEALS BEFORE THE TRIBUNAL AND PROCEEDINGS AND SETTLEMENTS RELATING TO INFRINGEMENTS OF COMPETITION LAW]

[^{F1}[^{F2}Settlements relating to infringements of competition law

[^{F1}[^{F2}49A] **Collective settlements: where a collective proceedings order has been made**

- (1) The Tribunal may, in accordance with this section and Tribunal rules, make an order approving the settlement of claims in collective proceedings (a “collective settlement”) where—
 - (a) a collective proceedings order has been made in respect of the claims, and
 - (b) the Tribunal has specified that the proceedings are opt-out collective proceedings.
- (2) An application for approval of a proposed collective settlement must be made to the Tribunal by the representative and the defendant in the collective proceedings.
- (3) The representative and the defendant must provide agreed details of the claims to be settled by the proposed collective settlement and the proposed terms of that settlement.
- (4) Where there is more than one defendant in the collective proceedings, “defendant” in subsections (2) and (3) means such of the defendants as wish to be bound by the proposed collective settlement.
- (5) The Tribunal may make an order approving a proposed collective settlement only if satisfied that its terms are just and reasonable.

Changes to legislation: Competition Act 1998, Section 49A is up to date with all changes known to be in force on or before 29 August 2024. 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) On the date on which the Tribunal approves a collective settlement—
- (a) if the period within which persons may opt out of or (in the case of persons not domiciled in the United Kingdom) opt in to the collective proceedings has expired, subsections (8) and (10) apply so as to determine the persons bound by the settlement;
 - (b) if that period has not yet expired, subsections (9) and (10) apply so as to determine the persons bound by the settlement.
- (7) If the period within which persons may opt out of the collective proceedings expires on a different date from the period within which persons not domiciled in the United Kingdom may opt in to the collective proceedings, the references in subsection (6) to the expiry of a period are to the expiry of whichever of those periods expires later.
- (8) Where this subsection applies, a collective settlement approved by the Tribunal is binding on all persons falling within the class of persons described in the collective proceedings order who—
- (a) were domiciled in the United Kingdom at the time specified for the purposes of determining domicile in relation to the collective proceedings (see section 47B(11)(b)(i)) and did not opt out of those proceedings, or
 - (b) opted in to the collective proceedings.
- (9) Where this subsection applies, a collective settlement approved by the Tribunal is binding on all persons falling within the class of persons described in the collective proceedings order.
- (10) But a collective settlement is not binding on a person who—
- (a) opts out by notifying the 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 representative that the claim should be included in the collective settlement.
- (11) This section does not affect a person's right to offer to settle opt-in collective proceedings.
- (12) In this section and in section 49B, “specified” means specified in a direction made by the Tribunal.]]

Textual Amendments

- F1** S. 47B substituted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), **Sch. 8 para. 5(1)** (with [Sch. 8 para. 5\(2\)](#)); S.I. 2015/1630, art. 3(j)
- F2** S. 49A and cross-heading inserted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), **Sch. 8 para. 10(1)** (with [Sch. 8 para. 10\(2\)](#)); S.I. 2015/1630, art. 3(j)

Changes to legislation:

Competition Act 1998, Section 49A is up to date with all changes known to be in force on or before 29 August 2024. 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 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. 25A(1A) inserted by [2024 c. 13 Sch. 28 para. 9\(3\)](#)
- s. 25B inserted by [2024 c. 13 s. 121\(2\)](#)
- s. 25B(1)(a) words in s. 25B(1) renumbered as s. 25B(1)(a) by [2024 c. 13 Sch. 28 para. 10\(2\)\(a\)](#)
- s. 25B(1)(b) and word inserted by [2024 c. 13 Sch. 28 para. 10\(2\)\(b\)](#)
- s. 25B(2) words inserted by [2024 c. 13 Sch. 28 para. 10\(3\)](#)
- s. 28(2)(g)-(i) inserted by [2024 c. 13 s. 122\(3\)\(b\)](#)
- s. 28A(2)(g)-(i) words omitted by [2024 c. 13 s. 122\(6\)\(b\)](#)
- s. 30(1A) inserted by [2024 c. 13 s. 122\(7\)](#)
- s. 31A(2A) inserted by [2024 c. 13 Sch. 11 para. 2](#)
- s. 31E(4) inserted by [2024 c. 13 Sch. 11 para. 3](#)
- 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. 34(4) inserted by [2024 c. 13 Sch. 11 para. 5](#)
- s. 40A(7)(d) inserted by [2024 c. 13 Sch. 28 para. 11](#)
- s. 40B(5A) inserted by [2024 c. 13 Sch. 10 para. 10\(5\)](#)
- s. 40ZD(3)(a) words in s. 40ZD(3) renumbered as s. 40ZD(3)(a) by [2024 c. 13 Sch. 10 para. 6\(2\)](#)
- s. 40ZD(3)(b) and word inserted by [2024 c. 13 Sch. 10 para. 6\(3\)](#)
- s. 40ZE inserted by [2024 c. 13 Sch. 10 para. 8](#)
- s. 40ZE(1)(a) words inserted by [2024 c. 13 s. 121\(3\)](#)
- s. 42(8) inserted by [2024 c. 13 Sch. 10 para. 11\(3\)](#)
- s. 43(1A) inserted by [2024 c. 13 Sch. 10 para. 12](#)
- s. 44(2A) inserted by [2024 c. 13 Sch. 10 para. 13](#)
- s. 44A and cross-heading inserted by [2024 c. 13 Sch. 13 para. 2](#)
- s. 44B inserted by [2024 c. 13 Sch. 13 para. 15](#)
- s. 46(3)(ha)(hb) inserted by [2024 c. 13 s. 124\(1\)\(a\)](#)
- 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.)
- s. 47A(3A) inserted by [2024 c. 13 Sch. 3 para. 3](#)
- s. 47DA inserted by [2024 c. 13 Sch. 3 para. 4](#)
- s. 49(1A)(c) and word inserted by [2024 c. 13 Sch. 3 para. 7\(3\)](#)

- s. 60A(10) inserted by [2023 c. 28 s. 6\(10\)](#)
- s. 109B inserted by [2024 c. 13 Sch. 13 para. 16](#)
- 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.)
- Sch. 8A para. 15(1) Sch. 8A para. 15 renumbered as Sch. 8A para. 15(1) by [2024 c. 13 s. 126\(2\)\(a\)\(i\)](#)
- Sch. 8A para. 7(2A) inserted by [2024 c. 13 s. 116\(6\)\(a\)](#)
- Sch. 8A para. 15(2) inserted by [2024 c. 13 s. 126\(2\)\(a\)\(iii\)](#)
- Sch. 8A para. 19(6A) inserted by [2024 c. 13 Sch. 3 para. 8\(8\)](#)
- Sch. 8A para. 42(1)(a)(b) substituted for words by [2024 c. 13 Sch. 3 para. 8\(11\)](#)
- Sch. 8A para. 15(1) word substituted by [2024 c. 13 s. 126\(2\)\(a\)\(ii\)](#)