

SCHEDULES

SCHEDULE 8

PRIVATE ACTIONS IN COMPETITION LAW

PART 1

COMPETITION ACT 1998

- 8 (1) After section 47D (inserted by paragraph 7) insert—

“47E Limitation or prescriptive periods for proceedings under section 47A and collective proceedings

- (1) Subsection (2) applies in respect of a claim to which section 47A applies, for the purposes of determining the limitation or prescriptive period which would apply in respect of the claim if it were to be made in—
 - (a) proceedings under section 47A, or
 - (b) collective proceedings at the commencement of those proceedings.
- (2) Where this subsection applies—
 - (a) in the case of proceedings in England and Wales, the Limitation Act 1980 applies as if the claim were an action in a court of law;
 - (b) in the case of proceedings in Scotland, the Prescription and Limitation (Scotland) Act 1973 applies as if the claim related to an obligation to which section 6 of that Act applies;
 - (c) in the case of proceedings in Northern Ireland, the Limitation (Northern Ireland) Order 1989 applies as if the claim were an action in a court established by law.
- (3) Where a claim is made in collective proceedings at the commencement of those proceedings (“the section 47B claim”), subsections (4) to (6) apply for the purpose of determining the limitation or prescriptive period which would apply in respect of the claim if it were subsequently to be made in proceedings under section 47A.
- (4) The running of the limitation or prescriptive period in respect of the claim is suspended from the date on which the collective proceedings are commenced.
- (5) Following suspension under subsection (4), the running of the limitation or prescriptive period in respect of the claim resumes on the date on which any of the following occurs—
 - (a) the Tribunal declines to make a collective proceedings order in respect of the collective proceedings;

Status: This is the original version (as it was originally enacted).

- (b) the Tribunal makes a collective proceedings order in respect of the collective proceedings, but the order does not provide that the section 47B claim is eligible for inclusion in the proceedings;
 - (c) the Tribunal rejects the section 47B claim;
 - (d) in the case of opt-in collective proceedings, the period within which a person may choose to have the section 47B claim included in the proceedings expires without the person having done so;
 - (e) in the case of opt-out collective proceedings—
 - (i) a person domiciled in the United Kingdom chooses (within the period in which such a choice may be made) to have the section 47B claim excluded from the collective proceedings, or
 - (ii) the period within which a person not domiciled in the United Kingdom may choose to have the section 47B claim included in the collective proceedings expires without the person having done so;
 - (f) the section 47B claim is withdrawn;
 - (g) the Tribunal revokes the collective proceedings order in respect of the collective proceedings;
 - (h) the Tribunal varies the collective proceedings order in such a way that the section 47B claim is no longer included in the collective proceedings;
 - (i) the section 47B claim is settled with or without the Tribunal's approval;
 - (j) the section 47B claim is dismissed, discontinued or otherwise disposed of without an adjudication on the merits.
- (6) Where the running of the limitation or prescriptive period in respect of the claim resumes under subsection (5) but the period would otherwise expire before the end of the period of six months beginning with the date of that resumption, the period is treated as expiring at the end of that six month period.
- (7) This section has effect subject to any provision in Tribunal rules which defers the date on which the limitation or prescriptive period begins in relation to claims in proceedings under section 47A or in collective proceedings.”
- (2) Section 47E of the Competition Act 1998 does not apply in relation to claims arising before the commencement of this paragraph.