

Insights

BCLP RESPONDS TO UK GOVERNMENT COMPETITION LAW CONSULTATION

Oct 07, 2026

Following our earlier article, *Swifter and Simpler: The Government's vision for Competition Redress in DBT's July 2026 Consultation*, BCLP has submitted a comprehensive response to the UK Government's Consultation. The Consultation proposes significant reforms to the Competition Appeal Tribunal's (**CAT**) collective proceedings regime, the regulatory appeals framework, and the Competition and Markets Authority's (**CMA**) enforcement powers.

Drawing on our experience acting for businesses, regulated entities, as both claimants and defendants in complex competition litigation, we engaged with all aspects of the Consultation and advanced a number of proposals aimed at promoting greater legal certainty, procedural fairness and proportionality. Among other matters, our response addresses:

- **Collective actions and certification:** advocating a more robust certification framework to ensure that only meritorious and proportionate claims proceed as collective proceedings.
- **Redress schemes:** highlighting the risks of overcompensation, under compensation and double recovery arising from the proposed assumed level of overcharge and proposing measures to make voluntary redress schemes more attractive and effective.
- **Settlement incentives and costs shifting:** supporting the introduction of Rule 45-based costs consequences while cautioning against importing claimant-favouring incentives that could distort settlement dynamics in high-value collective proceedings.
- **Distribution of damages and settlements:** proposing greater certainty around reversion mechanisms and the treatment of undistributed sums.
- **Leniency and cartel enforcement:** identifying practical issues arising from the proposed immunity from damages for Type A leniency applicants and suggesting safeguards that would encourage cooperation without compromising procedural fairness.
- **Regulatory appeals:** examining proposals to transfer a wider range of regulatory appeals to the CAT, and to align appeal standards and who can appeal and intervene in an appeal across

sectors, emphasising the need to preserve effective scrutiny of regulatory decision-making.

- **Competition enforcement procedures:** responding to proposals affecting access to file, director disqualification, and other aspects of the CMA's investigatory and enforcement toolkit.

Our full response is available below.

Download [BCLP's Response to the Consultation \(PDF\)](#)

How BCLP Can Help?

BCLP's Competition & Antitrust team advises clients across the full spectrum of competition law disputes, investigations and regulatory matters. We are actively involved in high-value damages claims, collective actions before the CAT, cartel investigations, abuse of dominance cases, merger control, regulatory appeals and market investigations. Combining litigation, regulatory and economic expertise, we help clients navigate an increasingly active enforcement environment, manage litigation risk, and engage effectively with policymakers and regulators.

Related capabilities

- Antitrust & Competition

Meet the team



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