

25th October 2021

COMPETITION APPEAL TRIBUNAL SETS A DEADLINE OF EARLY DECEMBER FOR BT TO PROVIDE ITS DEFENCE TO LANDLINE CLASS ACTION

On 27th September, the Competition Appeal Tribunal issued a judgment approving a bid to launch a £600 million class action compensation claim against BT on behalf of over 2 million customers that it allegedly overcharged.

The landmark case, led by Justin Le Patourel, has been launched in a bid to recover hundreds of pounds for BT landline-only customers, many of whom are older and from low-income households.

On 19th October 2021, the Tribunal rejected an application from BT for permission to appeal its Judgment of the 27th September. BT may now seek permission to appeal from the Court of Appeal.

On September 27th 2021, the Competition Appeal Tribunal gave the green light for Justin Le Patourel to proceed with a claim against BT for alleged historic overcharging of landline customers by way of a class action.

At a hearing on 19th October 2021, BT requested permission to appeal the Tribunal's Judgment. The Tribunal rejected this request. BT must therefore now seek permission from the Court of Appeal if it wishes to pursue an appeal.

The Tribunal has ordered (by an Order dated Friday 22 October 2021) that the claim should continue to progress unless otherwise ordered by the Court of Appeal. The key dates are as follows:

- BT are required to provide their defence to the class action by 3 December 2021
- A response on behalf of BT customers can then be submitted to BT and must be done so by 7 January 2022

- It is expected that a one day case management hearing will then take place at the beginning of next year at some point in February

Background

In 2017, Ofcom investigated BT and discovered that it had been overcharging its landline customers. Although the costs of providing landlines had been falling since 2009, BT continued to put up its prices. BT agreed with Ofcom to reduce the future bills of some of these neglected customers, but it did not compensate any of them for past overcharging.

Determined to put this right, Justin Le Patourel, founder of CALL (Collective Action on Land Lines) launched *Justin Le Patourel v BT Group Plc and British Telecommunications Plc* in the Competition Appeal Tribunal (CAT).

Under the UK's competition regime, a person wishing to bring a class action on behalf of customers (and/or businesses) must first secure approval from the CAT. Le Patourel's application was heard by the Tribunal in a two-day hearing from 24 to 25 June 2021. The certification Judgment was issued 27th September, where it was then decided that the claim against BT was to go ahead.

On September 27th, the Tribunal granted Le Patourel permission to bring the claim on behalf of the following BT customers:

- (i) "Voice Only Customers", who had a BT landline service between October 2015 and April 2018, but did not also receive a broadband service (from BT or any other provider).
- (ii) "Split Purchase Customers", who had a BT landline service alongside a broadband service (from BT or another provider) at any time since October 2015, but who did not 'bundle' these services together into a single, discounted package.

In its judgment, [available here](#), the Tribunal notes "[Mr Le Patourel's] application for a CPO succeeds [..]. This Judgment is unanimous".

If the case is successful, the 2.31 million BT customers who are believed to have been overcharged could receive up to £500 each in compensation – for many customers, this cost equates to the cost of their average winter fuel payment.

If you would like to find out more information or register for updates, please contact the Collective Action on Land Lines (CALL) at:

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Note To Editors:

About Call

Consumer Action on Land Lines (CALL) is a group launched on behalf of BT landline customers to confront the abusive nature of BT's pricing structure from 2015 onwards. Mishcon de Reya, along with expert economists Frontier, have presented to the court a review of how BT abused its market dominance to maximise profits and significantly and persistently increased the prices charged to its loyal standalone fixed voice customers (SFV).

Despite BT's voluntary commitment to reduce the line rental price of some of its customers by £7 per month following OFCOM's review of the SFV services market in 2017, BT did not compensate any of its customers for overcharging prior to this. CALL's goal is to ensure BT customers are compensated for the overcharges they were subjected to from 2015 onwards.

CALL is seeking compensation for both "Voice Only Customers" and "Split Purchase Customers". Voice Only Customers are customers who had a BT landline service between October 2015 and April 2018, but did not receive a broadband service (from BT or any other provider). Split Purchase Customers are customers who had a BT landline service and also a broadband service (from BT or any other provider), any time between October 2015 and today, but who did not 'bundle' these services together into a single, discounted package.

About Justin Le Patourel

Justin is leading CALL and is responsible for representing and acting in the best interests of all affected BT customers. During his career, including as a former Ofcom employee, Justin has worked to help consumers get good deals from their telecoms providers, and to make it easier for them to switch when they're unhappy or want to take advantage of a better deal elsewhere.