

## NOTICE OF THE COLLECTIVE PROCEEDINGS ORDER:

*This is a legal notice that has been issued at the direction of the Competition Appeal*

*Tribunal In Case No 1381/7/7/21*

### IF YOU HAD A RESIDENTIAL LANDLINE ('HOME PHONE') SERVICE FROM BT ANY TIME FROM OCTOBER 2015 TO DATE, YOUR RIGHTS MAY BE AFFECTED BY A COLLECTIVE ACTION.

- This notice contains information about the collective action that may affect you.
- The collective action has been filed on behalf of certain people who had a residential landline service from BT in the UK between October 2015 and now, who may have a claim against BT for compensation.
- At this stage, it is important that you understand your legal rights related to this claim. Your legal rights may be affected by this action whether you act or you don't act, so please read this notice carefully for information about your rights and the deadlines to act.
- This notice explains what the collective action is about, who might be eligible to receive a payment, your rights as an affected customer of BT, or as the appointed personal representative (the umbrella term for an executor or administrator) of the estate of an affected customer, what action you need to take (if any), and the deadlines that apply.
- To read the Competition Appeal Tribunal's full [Collective Proceedings Order](#) which allows the collective action to go ahead, visit [www.callclaim.co.uk](http://www.callclaim.co.uk). or <https://www.catribunal.org.uk/cases/13817721-justin-le-patourel>. The [Collective Proceedings Order](#) is also attached to this Notice.

# Summary of Notice

This notice contains information about a court case that may affect you. Your legal rights may be affected whether you act or you don't act, so please read this notice carefully.

The Competition Appeal Tribunal (the "Tribunal") has made a [Collective Proceedings Order](#) authorising Mr Justin Le Patourel to proceed with a collective action against BT Group Plc and British Telecommunications Plc ("BT"). The terms of the [Collective Proceedings Order](#) are set out later in this notice.

In a collective action, a claim is brought by a representative (called a class representative) on behalf of a large number of individuals who group together to seek compensation for their losses. Together the group of people make up a class.

In these collective proceedings, Mr Le Patourel has been appointed to act as the class representative for certain people who had a residential landline ('home phone') service from BT in the UK at any time between October 2015 and now (please see paragraph 7 of the General Information section of this notice for further details and the attached [Collective Proceedings Order](#)), who may have a claim against BT for compensation.

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If you are one of these people or the personal representative (executor or administrator) of their estate and you were domiciled in the UK on 27 September 2021, then you are a class member and will be bound by the Tribunal's judgment deciding the outcome of the case, unless you opt out.

This collective action has been brought on the basis that BT has abused a position of dominance and charged its customers excessive prices for the landline services, in breach of the Competition Act 1998. The action brought by Mr Le Patourel is about seeking compensation for BT customers who were overcharged for their landline services as a result of BT's breach of the law.

If the case results in a judgment against BT or a settlement, members of the class may be eligible to receive compensation. If compensation becomes available, details on how to get it and how it will be calculated will be provided at that time. Whatever the outcome of the case, class members will not have to pay anything.

It will be for the Tribunal to decide whether BT has overcharged class members and if so, by how much. Unless you opt out, if the Tribunal makes a judgment on these issues you will be bound by it and the amount of compensation that you are entitled to will be limited to what the Tribunal decides, and no more. If the Tribunal decides that class members are not entitled to any compensation, and you have not chosen to opt out, then you will not be able to seek compensation from BT by any other route.

Therefore, you may want to opt out if you would prefer to bring a separate claim against BT to seek compensation for the overcharges. A more detailed explanation of how to opt out of the case appears at paragraph 15 on page 8 below. Requests to opt out must be received by no later than 11 November 2022 and can be made online, by email or by post. See paragraph 15 at page 8 below.

Personal representatives (executors or administrators) of the estates of individuals who have not opted out before their passing, will also be able to opt-out of the claim on behalf of those estates if they were domiciled in the UK on 27 September 2021.

# A Summary of Your Rights and Choices:

Please read this notice carefully.

Your legal rights may be affected whether you act or you don't act.

YOU MAY:	YOUR LEGAL RIGHTS AND CHOICES EXPLAINED	DEADLINE
<p>Do nothing and remain in the collective action</p>	<p>You do not need to do anything if you were living in the UK on 27 September 2021 and you:</p> <p>Had a BT landline service at any time between October 2015 and April 2018*, but did not receive a broadband service (from BT or any other provider) - Landline-Only Customers<sup>1</sup></p> <p>or</p> <p>Had a BT landline service and also a broadband service (from BT or any other provider), at any time between October 2015 and today, but these services were not packaged together as part of a landline and broadband bundle – Unbundled Customers<sup>2</sup></p> <p>*Note: different dates apply if you are a Landline-Only Customer who used your landline for business purposes.</p> <p>Please see below FAQs for further information.</p> <p>If you are a personal representative (the executor or the administrator) of the estate of a Landline-Only Customer or an Unbundled Customer, and you wish for the estate to remain within the claim, then you also do not need to do anything.</p> <p>You are excluded if you are a:</p> <ul style="list-style-type: none"> <li>• BT customer who took a landline service aimed at business users; or</li> <li>• BT Basic or BT Home Phone Saver customer; or</li> <li>• individual living in the Hull area as this area is supplied by KCOM Group Limited and not BT.</li> </ul> <p>By doing nothing at this time, you will be included in the collective action and may benefit from any eventual money/compensation which results from this collective action.</p> <p>You will not be liable for any costs.</p> <p>However, you will also give up the right to make your own claim against BT in respect of the legal claims in this collective action and you agree to be bound by judgments issued by the Tribunal in this case.</p> <p>Although you do not need to contact us to be included in the action, we recommend that you <a href="#">get in touch</a> to provide your contact details so that we can keep you informed about the progress of the case.</p>	<p>None</p>
<p>Opt Out of the collective action</p>	<p>If you are eligible but you do not wish to be part of the claim, then you must opt out by post, email, or via the website, by 11 November 2022. Further details of how to opt out of the case can be found at paragraph 15 on page 8 below.</p> <p>Requests to opt out must be received by 11 November 2022</p>	<p>11 November 2022</p>

<sup>1</sup> Also known as “Voice Only Customers”

<sup>2</sup> Also known as “Split Purchase Customers”

Details on how to sign up for updates or opt out are available at [www.callclaim.co.uk](http://www.callclaim.co.uk). You may also call the freephone number 0333 212 1617 to receive more information.

# GENERAL INFORMATION

## 1. Why has this Notice been issued?

The Competition Appeal Tribunal has directed that this notice be issued by the class representative (Mr Justin Le Patourel) following a [Collective Proceedings Order](#) made on 19 October 2021. The Order allows this claim to proceed as a collective action on behalf of eligible BT customers. To read the full Order, visit [www.callclaim.co.uk](http://www.callclaim.co.uk) or <https://www.catribunal.org.uk/cases/13817721-justin-le-patourel>

The purpose of this notice is to inform you of important legal rights you have related to this collective action. Exercising these rights could affect your ability to get a payment in the future if the case is won and money becomes available, as if you opt out you will not be able to benefit. This notice explains what the claim is about, who might be eligible to receive a payment, your rights, what action you need to take (if any) and the deadlines that apply.

Please read this notice carefully as your decisions about this claim will have legal consequences.

## 2. What is a Collective Action?

A law called the Consumer Rights Act 2015 allows for a class representative to bring a collective claim on behalf of a group of individuals who are alleged to have suffered a common loss. Individuals within the group are known as "class members". Class members do not each need to bring an individual claim to obtain compensation for their loss. Instead, they may all receive compensation through a single collective claim brought on their behalf by the class representative.

The class representative's duty is to act fairly and adequately in the interests of all of the consumers who are part of the class of affected people.

## 3. Who is the Collective Action against?

This Claim is against BT Group Plc and British Telecommunications Plc ("BT").

## 4. What is this Collective Action about? What are the common issues?

CALL is the Collective Action on Land Lines. CALL is led by the class representative, Mr Justin Le Patourel. CALL is seeking compensation from BT on behalf of 2.3 million residential landline ('home phone') customers who were overcharged between October 2015 and now.

The Collective Action will determine the common issues between Class Members. The Competition Act 1998 defines "common issues" as "the same, similar or related issues of fact or law". The Collective Action raise the following common issues:

(a) Whether BT's prices charged to Class Members for relevant services are excessive in breach of the Chapter II Prohibition in the Competition Act 1998 (i.e. whether BT abused its dominant position). This in turn requires consideration of:

- (i) How the markets on which the services provided to Class Members by BT should be defined in terms of product, customer group and geographic scope.
- (ii) Whether BT occupies a dominant position in the relevant markets.
- (iii) What competitive benchmark(s)/level(s) should be selected for the purposes of ascertaining whether BT's prices for relevant services provided to the Class Members were/are excessive.
- (iv) Whether BT's prices for relevant services provided to the Class Members were/are excessive when compared to the chosen competitive benchmark(s)/level(s) and what the magnitude of the unlawful overcharge is.

(b) The amount of damages which should be awarded to compensate Class Members for the unlawful overcharged paid by them to BT.

(c) The rate and basis of interest to be awarded to Class Members.

For further information on the common issues raised by the Collective Action, please see paragraphs 152 – 155 of the CPO Claim Form, available on [www.callclaim.co.uk](http://www.callclaim.co.uk).

# GENERAL INFORMATION

## 5. Why has this Claim been brought?

The claim has been brought by Justin Le Patourel, a former Ofcom employee, who the Tribunal has authorised to act as the "Class Representative", having been satisfied that he will act in the best interests of the group of affected customers and has the relevant skills, experience and financial capability to do so.

Mr Le Patourel applied for this collective action following a review in 2017 by Ofcom, the UK's telecom's regulator, which found that BT had overcharged residential customers who purchased a BT landline service and either did not also take a broadband service (Landline-Only Customers) or did take broadband, but did not 'bundle' this with their landline in a single, discounted package (Unbundled Customers). This overcharging had gone on since at least 2009.

Ofcom believed BT was able to overcharge in this way because it had a position of power in the telecoms market. In addition, BT knew that few of its Landline-Only Customers and Unbundled Customers, many of whom are older and/or vulnerable, were likely to switch away.

As a result, Ofcom said BT should reduce its charges for its Landline-Only Customers. In April 2018, BT reduced these charges by £7 per month (£84 per year). Ofcom is currently running a consultation regarding its intention to continue to limit the prices BT can charge its Landline-Only Customers for their landlines.

Importantly however, BT did not offer to compensate either:

1. Landline-Only Customers for the excessive prices they had paid from 2009 to April 2018; or
2. Unbundled Customers (and certain Landline-Only Customers that use their landline for business purposes), who we believe are still being overcharged today.

The role of CALL – led by Justin Le Patourel - is to seek compensation for all consumers who were overcharged by BT (except those who opt out). Justin will instruct the lawyers and experts, make decisions on the conduct of the claim and, in particular, will decide whether to present any offer of settlement to the Tribunal for its approval.

Throughout the claim, CALL – on behalf of Justin Le Patourel - is responsible for communicating with affected consumers and for issuing formal notices, such as this notice. CALL will post updates about the claim on the website [www.callclaim.co.uk](http://www.callclaim.co.uk).

## 6. Who is the Class Representative?

The class representative is Mr Justin Le Patourel. During his career, Justin has worked to help consumers get good deals from their telecoms providers and make it easier for them to switch provider when they're unhappy or want to take advantage of a better deal elsewhere.

As class representative, Mr Le Patourel's job is to lead the collective action and act fairly and adequately in the interest of the class members.

Justin is supported by his legal team which is led by Mishcon de Reya. Mishcon de Reya is one of the UK's leading law firms with significant experience of bringing group actions and complex competition law litigation. You will not be charged for any legal (or other) fees.

# GENERAL INFORMATION

## 7. Who is “the class” in this Claim and the exceptions?

WHO?	WHICH TELECOMS SERVICE DID I TAKE?	WHEN?	EXCEPTIONS
BT residential customers	<p><b>1. Landline-Only Customers</b> Customers who had a BT landline service but did not receive a broadband service (from BT or any other provider)</p> <p><b>2. Unbundled Customers</b> Customers who had a BT landline service and also a broadband service (from BT or any other provider), but where those services were not packaged together as part of a landline and broadband bundle</p>	<p>Any time between Oct 2015 - Apr 2018 (Oct 2015 – today for certain business customers)</p> <p>Any time between Oct 2015 - today</p>	<ul style="list-style-type: none"> <li>• Certain BT business customers (see ‘What If I used my landline for my business?’ below);</li> <li>• BT Basic or BT Home Phone Saver customers;</li> <li>• Customers in the Hull area;</li> <li>• Officers, directors or employees of BT;</li> <li>• Officers, directors or employees of any entities in which BT has a controlling interest;</li> </ul>
Personal representatives (executors or administrators) of the estates of:	<p>Landline Only Customers</p> <p>or</p> <p>Unbundled Customers</p>	As above	<ul style="list-style-type: none"> <li>• All members of BT’s legal team;</li> <li>• All experts instructed on behalf of BT;</li> <li>• All members of Justin Le Patourel’s legal team;</li> <li>• All experts instructed on behalf of Justin Le Patourel;</li> <li>• All employees of Case Pilots and Media Zoo engaged in advising and assisting Mr Le Patourel and any other professional adviser who may be engaged by Mr Le Patourel for the purposes of these proceedings; and</li> <li>• All members of the Tribunal panel assigned to these proceedings.</li> </ul>

Please note that the above is a simplified version of the Class Definition as set out in the [Collective Proceedings Order](#), which is attached to this document. Full details of the defined Class can be referred to in that document.

# GENERAL INFORMATION

## 8. What if I used my landline for my business?

If at any time from October 2015 to today you used a BT landline service aimed at residential users for business purposes, you are still included in the claim. However, if you used a BT landline service aimed at business users, unfortunately you are excluded from our claim.

If you used a BT landline service aimed at residential users for business purposes, and you are a Landline-Only Customer, then the period in which you need to have been a subscriber is extended. Customers in this category are in the class if they were a subscriber at any time between October 2015 and now.

If you are not sure what type of service you have or had, we suggest that you call BT on 0800 800 150 for confirmation.

## 9. What is an opt-out proceeding? What is the "domicile date"?

The claim is proceeding as an opt-out case. In simple terms, if you were living in the UK on 27 September 2021 (which is known as the "domicile date") and you satisfy the class definition, you are included in the class. You do not need to do anything unless you wish to be excluded from the class. This is called 'opting out' of the class.

All class members who stay in the class will be bound by any Tribunal judgment. As a class member, you will not be able to bring an individual claim against BT raising the same issues included in this claim.

If you are eligible to be within the class but wish to be excluded, you have the right to request to be excluded. If you wish to be excluded, you must opt out of the claim by 11 November 2022. This notice explains how to opt out in more detail at paragraph 15 on page 8 below.

## 10. How do I get a payment?

No money is available now and there is no guarantee that money will be available in the future. The case will have to be won in the Tribunal unless a settlement can be agreed with BT before it gets to a hearing. This process can take time, so please be patient. We recommend that you sign up for updates on the progress of the case on our website, [www.callclaim.co.uk](http://www.callclaim.co.uk). If, and when, money becomes available, class members will be notified about how to obtain a payment.

## 11. When will the Tribunal hear the case?

The date has not yet been decided. Please [sign up](#) to receive updates about the case and you will be notified of any significant developments such as hearings. Details of how to receive updates are set out below. You should also regularly check the case website at: [www.callclaim.co.uk](http://www.callclaim.co.uk) for updates.

## 12. What is the Competition Appeal Tribunal?

The Competition Appeal Tribunal is a specialist court based in London that covers the whole of the UK and hears disputes such as these. The Tribunal publishes its Rules and Guidance, together with information about what it does, on its website [www.catribunal.org.uk](http://www.catribunal.org.uk). A summary of this claim can be found on the Tribunal's website.

## WHO IS IN THE CLASS?

### 13. What does it mean to be a class member?

As a class member, if money becomes available, you will be eligible to receive a payment to compensate you for your loss. You will also be legally bound by all Tribunal judgments with respect to this claim. If a payment becomes available, details on how to receive it and how the amount will be calculated will be provided at that time. These details will not be known and are not known until that time.

You will not be liable for any costs of the claim.

Whether Justin Le Patourel wins money for the class or not, unless you opt out, you will never be able to make your own claim against BT in respect of the claims included in this case.

For the class definition, see the attached [order](#).

### 14. How do I know if I'm a class member?

If you were a Landline-Only Customer or an Unbundled Customer (see definition at question 7) during the relevant periods or the appointed personal representative/administrator of the estate of a Landline-Only Customer or an Unbundled Customer, and none of the exceptions listed apply to you, then in legal terms you are known as a 'Class Member'. See the attached [order](#) for the definition of the class. See below if you are a personal representative/administrator. Justin Le Patourel is seeking compensation for Class Members.

If you are not sure what type of account or service you have or had, we suggest that you call BT on 0800 800 150 for confirmation.

When is a personal representative able to claim?

If you are a personal representative (the executor or the administrator) of the estate of a Landline-Only Customer or an Unbundled Customer, you will be a Class Member if the following conditions apply:

1. You were domiciled in the United Kingdom on the domicile date (27 September 2021).
2. If the person whose estate you represent was Landline-Only Customer (between 1 October 2015 and April 2018) or an Unbundled Customer (at any point between 1 October 2015 to the present day).

# GENERAL INFORMATION

Remember, our claim does not include:

- Customers who used a BT landline service aimed at business users.
- Customers who took BT Basic or BT Home Phone Saver (as BT priced these products separately).
- Individuals living in the Hull area (as BT does not provide telecom services here).
- BT's overcharging prior to October 2015 (as the legal process in the UK does not allow for claims prior to this date).

Members of different sub-classes may be entitled to different amounts of compensation if the claim succeeds.

## HOW TO OPT OUT

### 15. I am an affected consumer and I want to come out of the class

If you are an affected consumer or the appointed personal representative (executor or administrator) of an estate of an affected customer, and you were living in the UK on 27 September 2021 and you want to come out of the class, you must take steps to opt out by 11 November 2022.

Visit [www.callclaim.co.uk](http://www.callclaim.co.uk) and complete the [Opt-Out Form](#) on the website. On the [Opt-Out Form](#) you will be asked to confirm the following statement "I want to opt out of the collective claim against BT Group Plc and British Telecommunications Plc, Case No. 1381/7/7/21" and provide your full name, postal address, email address and telephone number.

If you prefer, you may also opt out by post by sending a letter with the information listed in the previous paragraph. To assist you in submitting an Opt-Out by post, a sample Opt-Out Letter is available at [www.callclaim.co.uk](http://www.callclaim.co.uk). If you would like to be sent a stamped addressed envelope ("SAE") to submit your Opt-Out, please send an email with your postal address to [SAE@callclaim.co.uk](mailto:SAE@callclaim.co.uk) or call 0333 212 1617. Please send your letter to:

CALL Claim Opt-Outs  
PO Box 13188  
BRAINTREE  
CM7 0PD

If you are a personal representative (an executor or an administrator) of the estate of a Landline-Only Customer or an Unbundled Customer, you must also provide the following proof that you are entitled to act on behalf of the estate:

- Copy of the Grant of Probate confirming your right to act as an executor; or
- Copy of the Grant of Letters of Administration authorising you to act as an Administrator; or
- Copy of the death certificate of the affected customer, a copy of the will authorising you to act as an executor and a copy of your identification such as a passport, driving license or national identity card (if you have another form of identification, please contact us on the phone number below stating your proposed form of identification, and leaving your name and telephone number, and we will get back to you).

To be considered, your Opt-Out Request (and any relevant documents listed above) must be received or postmarked by 11 November 2022. Once your Opt-Out Request is received and processed, we will send you an acknowledgment by email if you have provided an email address, or by post if not.

By opting out, you will not be able to receive a payment from this claim if money becomes available. However, you may be able to bring your own separate claim against BT for the same issues.

**IMPORTANT CONSIDERATION:** Please note, if you opt out and then wish to bring a claim on your own against BT, you must do so within six months of the date on which you opt out. If you do not file an individual claim against BT within this timeframe, your claim will be time barred (meaning the time permitted for you to bring an individual claim will have passed).



# GENERAL INFORMATION

## WOULD LIKE MORE INFORMATION?

### 16. How can I stay updated on the progress of the claim?

There are a number of ways that you can receive updates:

You can view updates at

[www.catribunal.org.uk/cases/13817721-justin-le-patourel](http://www.catribunal.org.uk/cases/13817721-justin-le-patourel)

You can visit [www.callclaim.co.uk](http://www.callclaim.co.uk) and [register](#)

You can call 0333 212 1617 and provide your contact details

You can follow our social media channels

**Facebook:** @CallClaims

**Twitter:** @call\_claims

If, and when, money becomes available, you will be contacted with information on how to claim your share if you have registered for updates.

### 17. How can I get more information?

This notice summarises the [Collective Proceedings Order](#). To read the full Order and see other information about the claim, visit [www.callclaim.co.uk](http://www.callclaim.co.uk) or [www.catribunal.org.uk/cases/13817721-justin-le-patourel](http://www.catribunal.org.uk/cases/13817721-justin-le-patourel)



Case No: 1381/7/7/21

\* For the information of members of the class, this version of the CPO has been amended to show changes made to the CPO by the subsequent Order of Mr Justice Waksman dated 19 May 2022. This version does not constitute a separate order of the Tribunal.

**IN THE COMPETITION**  
**APPEAL TRIBUNAL**

BETWEEN:

**JUSTIN LE PATOUREL**

Class Representative

- v -

**(1) BT GROUP PLC**  
**(2) BRITISH TELECOMMUNICATIONS PLC**

Defendants

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**Collective Proceedings Order**

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**UPON** the Class Representative’s application for a Collective Proceedings Order (the “**CPO Application**”) pursuant to section 47B of the Competition Act 1998 (“**section 47B**”) and Rule 75 of the Competition Appeal Tribunal Rules 2015 (S.I. 2015 No. 1648) (the “**Tribunal Rules**”)

**AND UPON** receipt of a collective proceedings claim form on 15 January 2021 (the “**CPO Claim Form**”)

**AND UPON** permission being granted for the Class Representative’s application, dated 28 May 2021, to re-amend the CPO Application (the “**Re-Amended CPO Claim Form**”)

**AND UPON** the Defendants’ application to strike out the Class Representative’s claims and/or for summary judgment, dated 30 April 2021 (the “**Defendants’ Strike Out Application**”)

**AND UPON** hearing counsel for the parties on 24-25 June 2021 (the “**CPO Hearing**”)

**AND UPON** the Tribunal handing down judgment on the CPO Application on 27 September 2021 (the “**Judgment**”)

**AND UPON** the Tribunal considering that it is just and reasonable for Mr Justin Le Patourel to act as the representative of the Class (as defined below) in these proceedings

**AND UPON** hearing counsel for the parties on 19 October 2021 in respect of consequential matters (the “**Consequential Hearing**”)

**IT IS ORDERED THAT:**

**Forum**

1. Pursuant to Rules 18, 52 and 74 of the Tribunal Rules, the proceedings shall be treated as proceedings in England and Wales.

**Authorisation of Class Representative**

2. Pursuant to section 47B and Rules 77 and 80 of the Tribunal Rules, Mr Justin Le Patourel is authorised to act as the Class Representative to continue collective proceedings on an opt-out basis claiming damages for loss suffered by the Class (as defined below).
3. The remedy sought is an award of aggregate damages for the Class pursuant to section 47C(2) of the Competition Act 1998 together with interest, costs and any further or other relief as the Tribunal may think fit.
4. The Class Representative’s address for service is Mishcon de Reya LLP, Africa House, 70 Kingsway, Holborn, London WC2B 6AH (for the attention of Rob Murray).

## **Class definition**

5. The Class shall be defined as: “all persons domiciled in any part of the United Kingdom (except in the **Hull Area**) – or their UK-domiciled personal representatives – who, during the **Claim Period**, bought a **BT Standalone Fixed Voice Service** except for the **Excluded Services** (referred to below as “**the Class Members**”)”, whereby:
- (a) **BT Standalone Fixed Voice Service** means any residential landline calling plan service provided by BT, except for the Excluded Services, which (i) includes landline line rental and (ii) has not been sold as part of a bundle with broadband. For these purposes, a bundle refers to a contract, or two or more closely related, linked or interdependent contracts which, individually or together, include and require the purchase of broadband as well as the landline calling plan service.
  - (b) **Excluded Services** means BT Basic and BT Home Phone Saver.
  - (c) **Hull Area** means the area defined as the Licence Area in the licence granted on 30 November 1987 by the Secretary of State under Section 7 of the Telecommunications Act 1984 to Kingston upon Hull City Council and Kingston Communications (Hull) plc.
  - (d) The **Claim Period** means:
    - (i) for residential BT Voice Only Customers, between 1 October 2015 and 1 April 2018 inclusive;
    - (ii) for business BT Voice Only Customers, between 1 October 2015 and the date of the Tribunal’s final determination of the Claims made by the Sub-class of BT Voice Only Customers or their earlier settlement (or settlement of any part thereof); and
    - (iii) for BT Split Purchase Customers, between 1 October 2015 and the date of the Tribunal’s final determination of the Claims

made by the Subclass of BT Split Purchase Customer or their earlier settlement (or settlement of any part thereof).

6. The following categories of persons (as constituted from time to time) shall be excluded from the class and accordingly not be Class Members:
  - (a) officers, directors or employees of the Respondents;
  - (b) officers, directors or employees of any entities in which the Respondents have a controlling interest;
  - (c) all members of the Respondents' legal team;
  - (d) all experts instructed on behalf of the Respondents;
  - (e) all members of the Applicant's legal team;
  - (f) all experts instructed on behalf of the Applicant;
  - (g) all employees of [the claims administrator] engaged in advising and assisting the Applicant and any other professional adviser who may be engaged by the Applicant for the purposes of these proceedings; and
  - (h) all members of the Tribunal panel assigned to these proceedings.
  
7. The following categories of Class Members shall be designated as Sub-classes in the Collective Proceedings:
  - (a) **BT Voice Only Customers:** Class Members who, during the applicable Claim Period as defined above, have bought a BT Standalone Fixed Voice Service but did not, at the same time, buy a broadband service, either from BT or any other provider.
  - (b) **BT Split Purchase Customers:** Class Members who, during the applicable Claim Period as defined above, have bought at the same

time both (i) a BT Standalone Fixed Voice Service; and (ii) a broadband service, either from BT or any other provider.

### **Notification**

8. Subject to paragraph 22 below, the Class Representative shall publish a Notice of the Collective Proceedings in the form appended to this Order in accordance with Rule 81 of the Tribunal's Rules.

### **Opting-out**

9. Every Class Member who is domiciled in the United Kingdom on 27 September 2021 (“**the Domicile Date**”) shall be included in these collective proceedings subject to paragraph 10 below.
10. Subject to paragraph 22 below, any Class Member who is domiciled in the United Kingdom on the Domicile Date may opt out of the Collective Proceedings by giving the Class Representative notice in writing of their decision to opt out by 4pm on **[11 November 2022]\***, in accordance with the attached Notice.
11. Any notice to be given under paragraph 10 above, and any other document to be served on the Class Representative, shall be served in accordance with the attached Notice, including submission via the website ([www.callclaim.co.uk](http://www.callclaim.co.uk)) or being sent to: CALL Claim Opt-Outs, PO Box 13188, BRAINTREE, CM7 0PD.

### **BT's Strike Out Application**

12. The Defendants' Strike Out Application is dismissed.

### **Directions**

13. The Defendants shall file and serve a consolidated Defence to the Re- Amended CPO Claim Form (save for paragraphs 14-17; 82-83; 92-101; and

Parts V-VI of the Re-Amended CPO Claim Form) by 4pm on 3 December 2021.

14. The Class Representative shall file and serve a Reply, if so advised, by 4pm on 7 January 2022.
15. A Second CMC (time estimate: 1 day) shall be listed in February 2022, before Mr Justice Waksman, Eamonn Doran and Derek Ridyard.

### **Costs**

16. The Defendants shall pay the Class Representative his costs of, and occasioned by, the Defendants' Strike Out Application, to be assessed on the standard basis, if not agreed.
17. In respect of the CPO Application:
  - (a) The Class Representative's costs of, and occasioned by, the CPO Application up to 30 April 2021 shall be costs in the case.
  - (b) The Defendants shall pay 80% of the Class Representative's costs of, and occasioned by, the CPO Application from 30 April 2021 onwards (save for costs of and occasioned by the amendments and re-amendments to the CPO Claim Form, which shall be costs in the case), to be assessed on the standard basis, if not agreed. The balance of 20% of the Class Representative's aforementioned costs shall be costs in the case.
18. The costs of the Consequential Hearing on 19 October 2021 shall be costs in the case.
19. Within 14 days of the date of this Order, the Defendants shall make a payment on account of the Class Representative's costs, in the sum of £450,000.

## General

20. The Class Representative shall procure amendment of clauses 8.3 and 9.1 of the Litigation Funding Agreement filed with the CPO Claim Form in accordance with the Tribunal's comments in *Merricks v Mastercard* [2021] CAT 28 at paragraphs 24 – 27 within 7 days of the date of this Order, with liberty to apply, in writing, for an extension from the Tribunal if needed (such a request to be made at least 24 hours before the time would otherwise elapse).
21. The Defendants' application for permission to appeal against the Judgment is refused.
22. ~~Paragraphs 8 and 10 above are stayed until the Court of Appeal's determination of any renewed application for permission to appeal made by the Defendants or, in the event that no such application is made, the expiry of time for the Defendants to make a renewed application for permission to appeal.\*~~
23. The parties have liberty to apply.

**The Hon Mr Justice Waksman**  
Chairman of the Competition Appeal Tribunal

Made: 19 October 2021  
Drawn: 22 October 2021

\* As amended by the Order of Mr Justice Waksman dated 19 May 2022.