

**An opt-out collective
regime for Scotland?**
A consumer perspective

Scots firmly back
broadening consumer
access to justice

Consumers want real redress



New polling conducted across Scotland demonstrates wide support for opt-out collective legal claims, with two-thirds of respondents backing their introduction in Scotland.

The polling comes as Scotland assesses the introduction of opt-out claims, with the Scottish Civil Justice Council (SCJC) set to publish proposals in the coming weeks. Opt-out claims currently exist in the UK but are limited to breaches of competition law in the Competition Appeal Tribunal (CAT). The SCJC proposals could see opt-out claims introduced across all areas of the law, enabling Scottish consumers to claim for

a much wider variety of alleged harms such as defective products, consumer protection and data privacy claims.

Polling of the respondents shows:

- 65% think Scotland should allow the introduction of opt-out claims, with only 8% opposed.
- When explained the difference, 71% would prefer to receive compensation automatically through an opt-out collective legal claim, rather than an opt-in claim.
- If included automatically in an opt-out claim, 72% would remain part of the claim.

Respondents also strongly agreed that legal claims could help ensure companies follow the rules and provide a more direct, and, in the case of opt-out claims, fairer route to compensation.

However, to start with 38% had not heard of collective legal claims and only 34% said they understood well how such claims work, suggesting the introduction of opt-out claims in Scotland would need to be properly communicated to the public.

A public mandate for accountability



The Scottish public has made it clear that it wants greater and fairer access to collective redress, improved corporate compliance, and recognises that an opt-out collective actions regime can help deliver both.”

Scott Campbell, Head of Competition Disputes & Partner

For the Scottish Civil Justice Council, this is a strong endorsement of their intention to introduce opt-out claims, and of the need for an opt-out regime catering to all types of consumer harm, from environmental claims to data breaches.

Those polled expressed wide support for the idea that collective actions can improve fairness, compliance and compensation.

The UK-wide competition law collective actions regime is very much in its early years and still developing. Nonetheless, it is increasingly beginning to demonstrate the ability of opt-out claims to secure redress for consumers and businesses and hold rule-breaking companies to account.

In *Kent v Apple*, Dr Rachel Kent successfully pursued Apple for its overcharging of users on the

App Store and Apple is now in line to pay up to £1.5 billion to 36 million UK iPhone and iPad users. The regime has also recently seen settlements approved in the *Merricks v Mastercard* and *McLaren v MOL* cases.

Crucially, this is money that, when returned, will be reinvested into the domestic economy.

Without opt-out proceedings, consumers would have had no practical recourse to redress, and the offending corporates would have retained their unlawfully-gained profits.

Group claims in Scotland

The legal basis for group proceedings was introduced in 2018 through the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act and the rules allowing opt-in proceedings came into force in 2020.

The Act provides for collective, or 'group', proceedings to be brought on an opt-in basis, an opt-out basis or both but at the time, the SCJC deferred consideration of the introduction of opt-out proceedings but is currently [consulting](#) on the introduction of opt-out proceedings.

Currently, rules are only in force for group proceedings on an opt-in basis.

Opt-out claims are legal group claims in which eligible claimants are automatically included in the claim, unless they actively remove themselves. For opt-in claims, individual claimants must actively sign up to the claim themselves and instruct lawyers/arrange cost funding which presents a much higher bar for entry for the average consumer.

Existing opt-out proceedings, limited to breaches of competition law, are currently brought before at the Competition Appeal

Tribunal which has UK-wide jurisdiction.

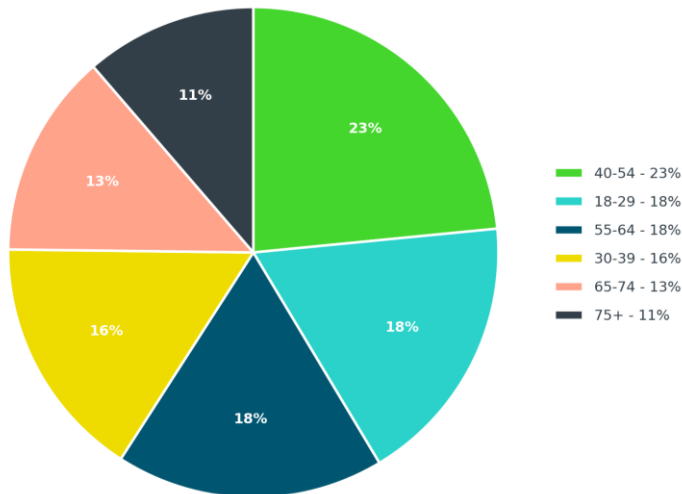
The Civil Litigation Act, however, did not include any such restrictions, which could allow claims such as breaches of environmental, consumer and data privacy law to also be considered, greatly widening the scope for consumer redress.

With the necessary legislation already in place, a positive set of proposals from the SCJC could see these changes quickly implemented in Scotland.

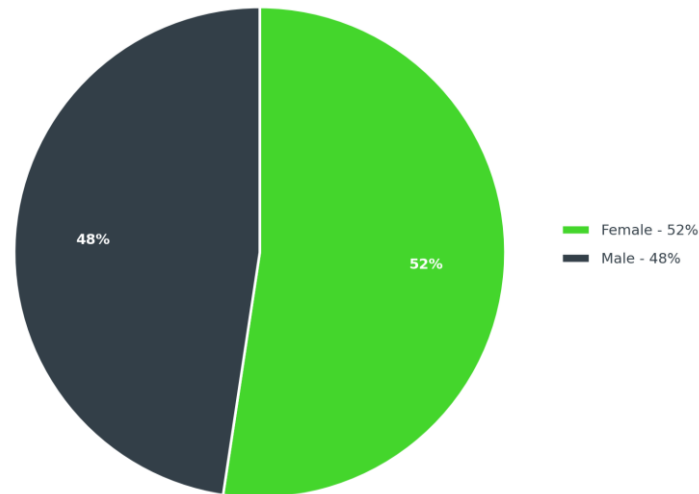
Methodology & Demographics



Age profile of respondents

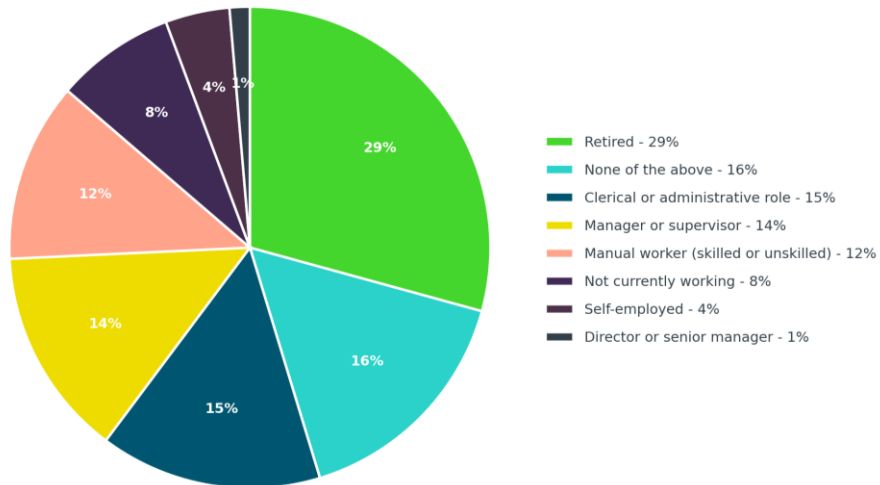


Gender profile of respondents

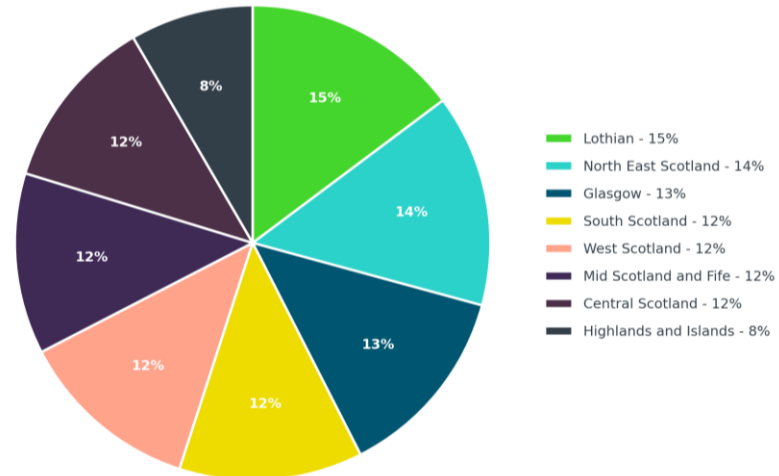


This data comes from a poll conducted by find out now from 1st to 6th July 2026 which surveyed a representative sample of 1,130 Scottish adults, weighted to be representative by gender, age and Scotland regions. Find out now are members of the British Polling Council and Market Research Society and abide by their rules.

Current role profile of respondents



Region profile of respondents



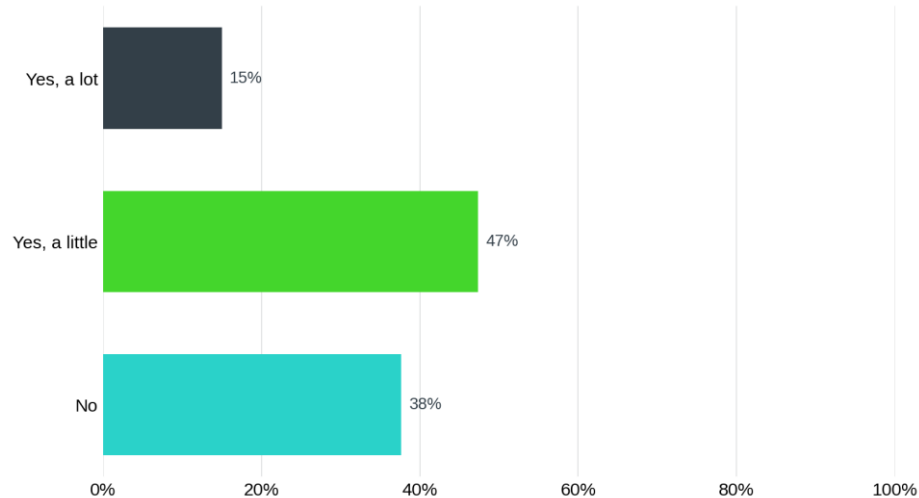
Scottish polling: the results

FOR THE CHALLENGE



Awareness around collective legal actions

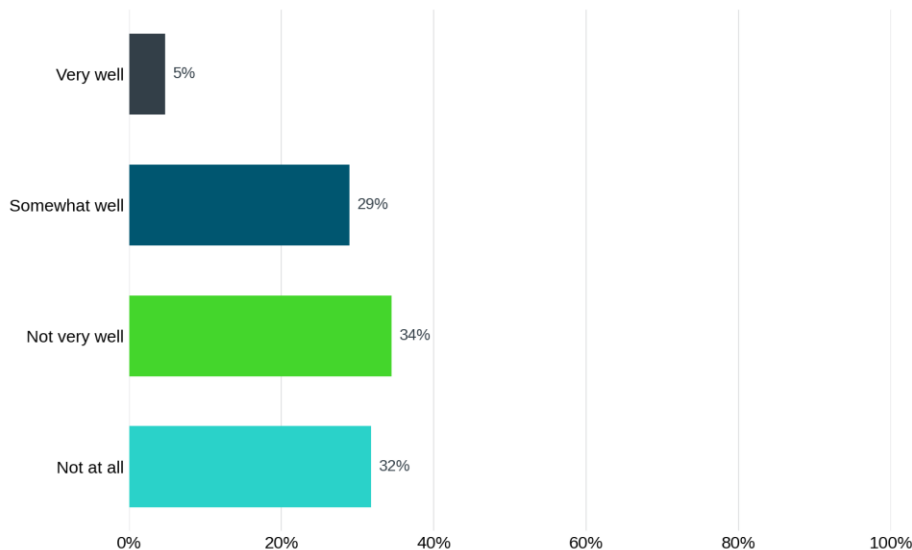
Have you previously heard of collective legal claims (sometimes called 'class actions' or 'group claims')?



62% of respondents had heard of collective legal actions - with 15% saying they had heard 'a lot' and 47% 'a little' while over a third of the respondents said they had not heard of them at all, indicating that awareness is not yet universal.

Understanding how collective actions work

Collective legal claims allow groups of people or businesses affected by the same unlawful conduct to seek compensation together rather than via individual legal claims. How well would you say you understand how these collective legal claims work?



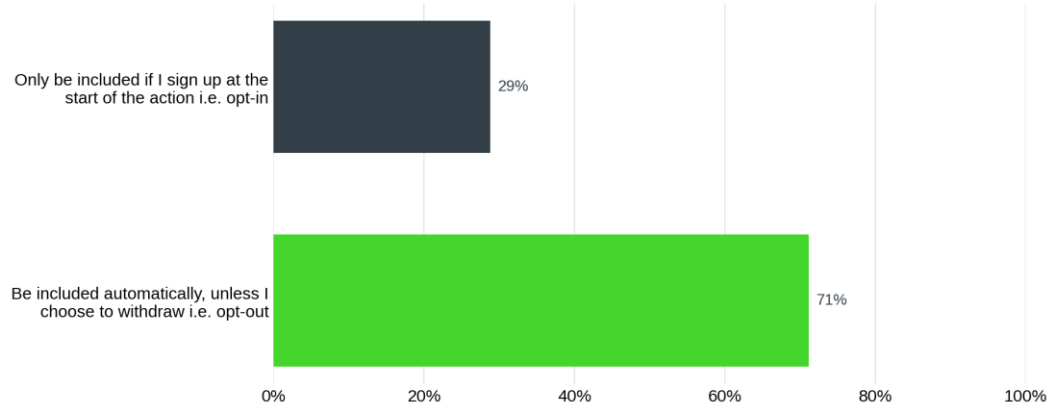
34% of respondents said they understood collective actions well with 5% 'very well' and 29% 'somewhat well'. The majority reported that they understood them 'not very well' or 'not at all', suggesting limited depth of understanding.



It does not come as a surprise that a third of respondents admit to not understanding collective claims as they remain relatively rare in Scotland. They are, however, becoming an increasingly important part of Scottish civil litigation. The number of authorised cases has grown steadily since 2020, particularly in areas such as consumer protection, product liability, data breaches, and mass personal injury claims.

Understanding opt-in vs opt-out mechanisms

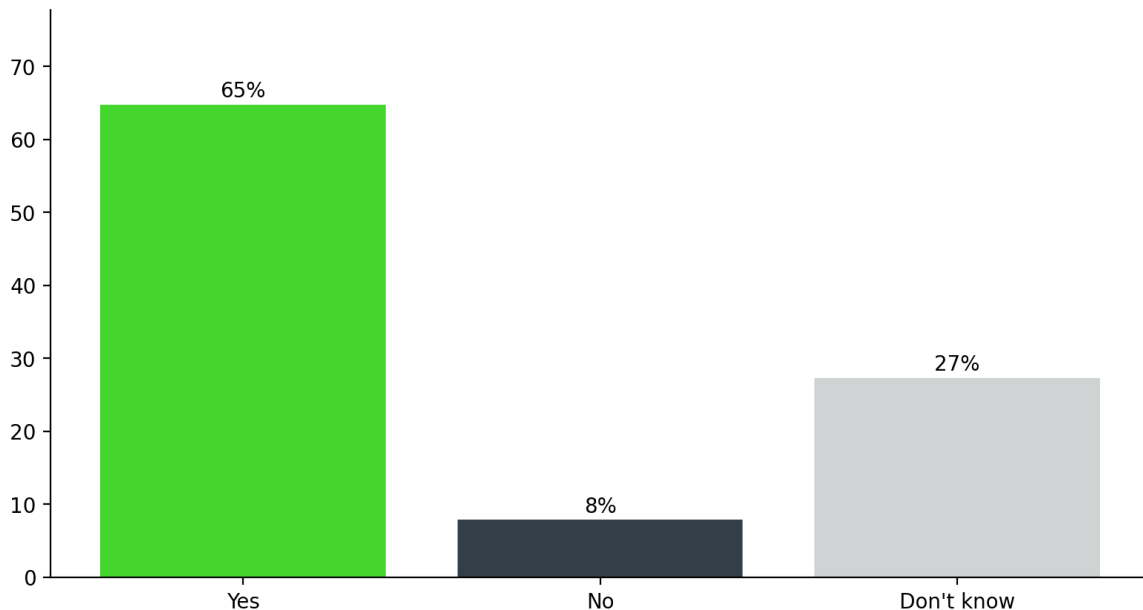
There are two kinds of collective legal claims. The first is opt-in where people have to sign-up to be included. The second is opt-out, where everyone affected is automatically included, they are only contacted if the claim is successful, and can opt out of the claim at any point. If you were affected by a business acting anti-competitively (such as fixing prices or taking unfair advantage of their market position) or breaching consumer and environmental law, how would you prefer to claim compensation?



When explained the difference between opt-in and opt-out, a significant majority of 71% preferred to be automatically included in the class set to claim compensation from a business acting anti-competitively.

Understanding opt-in vs opt-out mechanisms

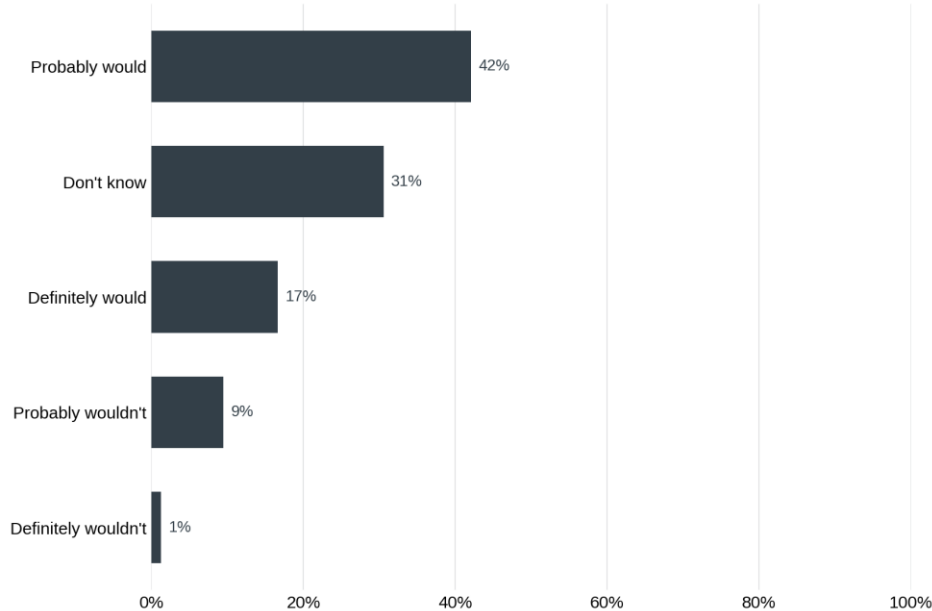
In Scotland, collective legal claims currently operate on an opt-in basis, meaning people have to sign up to be included. Scotland is currently considering whether to introduce opt-out collective legal claims as well, where everyone affected would be automatically included unless they chose to withdraw. Do you think Scotland should allow opt-out collective legal claims?



A clear majority wants Scotland to allow opt-out collective legal claims when informed about the fact that Scotland is currently considering this.

Likelihood of opting in

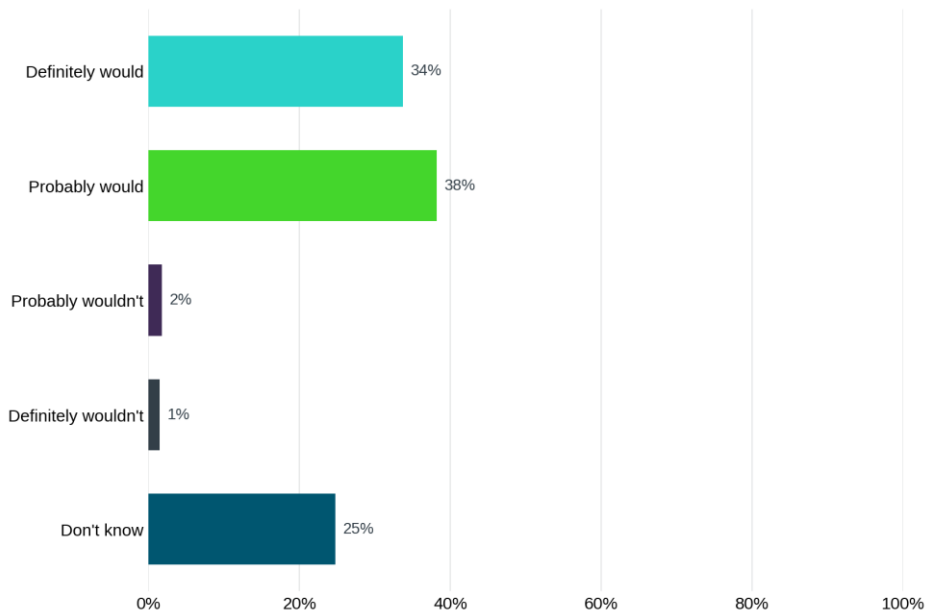
If a collective legal claim was happening that you were eligible for, how likely would you be to take part if you had to sign up yourself?



The most common response was 'probably would' with 42% and 17% of respondents said they would 'definitely' take part if they had to sign up themselves. 10% said they 'probably' or 'definitely' would not sign up, while 31% said they did not know, indicating a high level of uncertainty alongside general reluctance.

Likelihood of remaining part of an opt-out claim

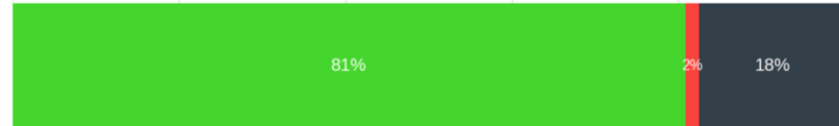
If a collective legal claim was happening that you were automatically included in (unless you chose to opt out), how likely would you be to remain part of the claim?



When asked about whether they would remain part of an opt-out claim in which they had been automatically included 72% said they 'definitely' or 'probably' would, compared with only 3% who said they 'probably' or 'definitely would not' and 25% who were 'unsure'.

Agreement/disagreement with benefits of collective actions

When a company breaks the law and owes compensation, it is fairer if everyone affected can receive their share automatically rather than having to make a separate claim.



Regulators can fine companies for breaking the law, but this money does not go to those directly affected, so collective legal claims are sometimes needed to ensure people directly affected receive compensation.



Companies may be more likely to follow the rules if they know they could face legal action from the people affected, and not only a fine from a regulator.



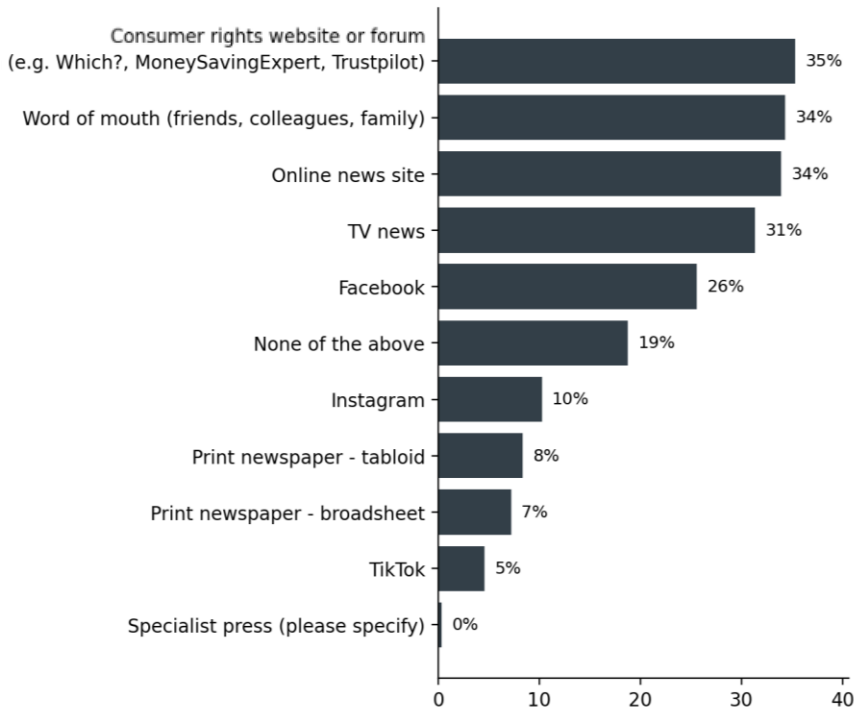
Respondents offered their views on three statements describing the benefits of collective legal actions and indicated very strong agreement across all. Those who have a view, express overwhelming support for the idea that collective actions can improve fairness, compliance and compensation. Agreement is highest for the statement that it is fairer for affected individuals to receive compensation automatically when a company breaks the law, rather than having to make an individual claim, and remains very high for the view that the threat of collective legal action may encourage companies to follow the rules.

Only a small minority disagreed with any statement, but a notable minority selected 'do not know', particularly in relation to the role of collective claims alongside regulatory fines, again pointing towards the need for public education.

Agree Disagree Do not know

Sources of information

If a collective legal claim was happening that you were eligible for, how do you think you would most likely hear about it? Please select all that apply.



Respondents confirmed they would use a range of sources to learn about possible claims with consumer right websites, TV news, online media and word of mouth the most commonly cited sources. Social media outlets combined count for 41%.



It is no longer sufficient to use just one platform to communicate with the public because they access information from a wide range of sources. The same is true in ensuring Scottish consumers and small businesses are aware of the rights that they have. The public will require the use of multiple types of media.”

For further enquiries

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