

Collective Actions - The Power of Plastic

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On 16 April 2019, the UK Court of Appeal handed down what is undoubtedly the most significant ruling to date for the UK's young collective actions regime. The judgement in *Merricks v Mastercard Inc* [2019] overturned the Competition Appeal Tribunal's prior ruling refusing certification of Mr Merricks' £14bn opt-out consumer collective action (*Merricks v Mastercard Inc* [2017]) and ordered that the tribunal again consider Mr Merricks' application for a collective proceedings order (CPO).

Though Mastercard has been awarded permission to appeal the Court of Appeal's decision to the Supreme Court, the April judgement represents the highest authority to date as to a number of key aspects of the collective action regime, including the appropriate approach to calculating an aggregate award of damages, the relevant tests to be applied at certification, and the standard for the distribution of an aggregate damages award following judgement. For this reason, the Court of Appeal's ruling will continue to be pored over by would-be claimants and defendants alike.

In a feature article for the Commercial Litigation Journal, July/August 2019 edition, Nicola Boyle and Lucy Rigby review the Court of Appeal's decision.

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