

Trends

- In the last year, UK class actions have been developing quickly and significantly. At the same time, the rate of new cases being brought has declined from the heights of 2022-23, albeit that that may partially be explained by the number of extant cases to which claimant firms and funders are already committed. The reduction in new cases may also reflect some mixed outcomes for claimants, but the recent decision in *Kent v Apple* has provided cause for optimism among class representatives/funders.
- In June 2025, the Civil Justice Council provided its report into litigation funding and made recommendations for the introduction of “light-touch regulation of litigation funding”.
- Further, in August 2025, the Government Department for Business and Trade announced a consultation on the collective proceedings regime with a very broad scope. It included questions on the appropriateness of the regime’s current scope (limited to competition/anti-trust claims), the appropriateness of the certification rules, and funding. A number of published responses suggested the review was somewhat premature. While things have been developing quickly, the sample size of settled or decided cases remains relatively small; it will be easier to assess the regime once there are more outcomes. With a number of significant trials and appeals listed for 2026, we should not have long to wait.



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🇬🇧 Recent developments

- **January 2025:** the Competition Appeal Tribunal (CAT) refused a collective proceedings order in *Riefa v Apple* on the basis that the proposed class representative would not fairly and adequately act in the interests of class members.
- **January 2025:** the Court of Appeal upheld the decision of the High Court to dismiss a representative action brought by Wirral Council on behalf of retail investors, on the basis that multi-party proceedings were more appropriate.
- **March 2025:** the CAT refused to certify a GBP 1.5 billion collective proceeding against six water companies for abuse of their dominant position in the market by under-reporting sewage discharges, but the CAT noted that it would have certified the claims had there not been a statutory exemption (*Roberts v Thames Water*).
- **May 2025:** the CAT approved settlement in *Merricks v Mastercard* for just under 1.5% of the original value of the claim, despite opposition from the funder.
- **August 2025:** the Court of Appeal upheld the CAT's finding in *Le Patourel v BT* (the CAT's first full substantive collective proceedings judgment) that prices charged by BT were justified and fair, relying on brand value and additional service features.
- **August 2025:** David Rowntree's claim against the Performing Rights Society was struck out at the certification stage, the first claim where this has occurred (*Rowntree v PRS*).
- **October 2025:** judgment in *Gutmann v First MTR*, dismissing Mr Gutmann's claims against various train companies in respect of boundary fares. One of the defendants had settled for GBP 25 million shortly before the trial, of which only GBP 200,000 was claimed.
- **October 2025:** the CAT made the first award of damages in a collective proceeding in *Kent v Apple*.
- **November 2025:** BHP was found liable for the Fundao Dam collapse in a claim brought by the Mariana Municipality (under a Group Litigation Order (GLO)).
- **December 2025:** conclusion of ten-week trial against five carmakers, dealing with allegations that they used illegal software to falsify test results for emissions in diesel cars (pursued under GLO).

Class actions | GLOs/Representative actions (RA)/CAT proceedings

Scope	GLO: general; representative actions (RA): general; CAT: competition law infringements.
Access granted to	GLO: individual claimants; RA: representative claimant; CAT: class representative.
Opt-in or opt-out	GLO: opt-in; RA: opt-out; CAT: opt-in or opt-out, foreign class members must opt in.
Declaratory relief or damages	GLO: both; RA: both; CAT: both.
Frequently used	GLO: yes; RA: less frequently; CAT: yes, increasingly.
Regulatory framework	Mainly Civil Procedure Rules (CPR), Practice Directions, CAT Rules, Competition Act 1998 and Other Enactments (Amendment) Regulations 2017.
Alternatives used in practice	Bringing a limited number of test cases; compensation schemes.

Class settlements

Binding class members after court approval	RA: yes; CAT: approval required in opt-out proceedings, no approval required in opt-in proceedings.
Opt-in or opt-out	CAT-approved settlements: opt-out, but opt-in for class members domiciled outside the UK.
Regulatory framework	CPR Rules; CAT Rules.

Third party funding

Regulated by law	CAT Rules; Code of Conduct for litigation funders was published by the Civil Justice Council in November 2011, updated January 2018. Civil Justice Council report in June 2025 recommended "light regulation" of litigation funders.
Frequently used	Yes

Trends

- Despite efforts from some courts to create more rigorous class certification standards, class actions continue to proliferate, and cumulative settlement values for class action litigation have also been increasing over time.
- Third party litigation funding has emerged as part of the narrative around class actions, and more companies have been facing class action litigation in recent years than had previously.
- Traditional types of class action activity remain key, including employment and labour class actions and consumer protection class actions. Other areas have also been main drivers of growth, including class action litigation around PFAS, data breach or data privacy class actions, class actions pertaining to environmental, social and governance (ESG), and 'reverse discrimination' class action suits.
- Class actions with claims based on generative AI tools are also an emerging area, and likely to see further growth in future years.



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Recent developments

- **March 2025:** a divided Second Circuit in *Davitashvili v Grubhub Inc.* affirmed in part and reversed in part a decision by the US District Court for the Southern District of New York denying three major food delivery platforms' motion to compel arbitration of a putative antitrust class action of users and non-users of the food delivery sites. The majority found that while Grubhub's Terms of Use clearly stated that questions of arbitrability were for a court to decide, the arbitration agreement did not cover the antitrust claims alleged by Grubhub customers because there was an insufficient causal relationship between the agreement and those claims.
- **May 2025:** the Sixth Circuit issued an en banc decision in *Speerly v GM, LLC* vacating the class certification order. The court provided a robust analysis of Rule 23's commonality and predominance requirements, emphasising that commonality may not be satisfied even with modest factual variation among class members and that predominance requires a comparative evaluation of whether common issues outweigh individual ones.
- **June 2025:** the Supreme Court dismissed the writ of *certiorari* in *Laboratory Corp. of America Holdings v Davis* as improvidently granted, leaving unresolved a critical circuit split on whether Rule 23(b)(3) damages classes can be certified when some class members lack Article III standing.
- **June 2025:** in *Trump v CASA*, the Supreme Court held that district courts cannot issue universal injunctions forbidding enforcement of a federal executive order against anyone other than the suing plaintiffs. Instead, courts must tailor remedies strictly to those who have sued and been harmed. By formally certifying a class, plaintiffs can still obtain wide-ranging injunctive coverage for all class members. The ruling leaves open the possibility that critical constitutional issues could produce different outcomes in different regions unless a class action is certified.

Class actions

Scope	General
Access granted to	Representative plaintiffs ('lead plaintiffs').
Opt-in or opt-out	Opt-out
Declaratory relief or damages	Both, including punitive damages; some state laws limit the type of relief.
Frequently used	Yes
Regulatory framework	Rule 23 of the Federal Rules of Civil Procedure; specific state laws.
Alternatives used in practice	Mass actions, which are single lawsuits with a large number of individually named plaintiffs, or mass arbitrations, which involve large volumes of individual arbitrations bringing similar claims.

Class settlements

Binding class members after court approval	Yes
Opt-in or opt-out	Opt-out
Regulatory framework	Rule 23 of the Federal Rules of Civil Procedure; specific state laws.

Third party funding

Regulated by law	Not on a federal level, but sometimes aspects of third party funding are regulated by state law.
Frequently used	Yes