

Limitation Periods Applicable to Follow-On and Stand-Alone Competition Claims¹

	Claims for causes of action accruing before 1 October 2015	Claims for causes of action accruing on or after 1 October 2015 and before 9 March 2017	Claims for causes of action accruing on or after 9 March 2017
High Court	<p>Six years in E&W Five years in Scotland</p> <p>From the date on which the cause of action accrued.</p> <p>Should the claimant not be aware of the accrual of the loss or damage, time starts to run from the date on which the claimant discovered the loss or damage or could with reasonable diligence have discovered it.²</p>	<p>Six years in E&W Five years in Scotland</p> <p>From the date on which the cause of action accrued.</p> <p>Should the claimant not be aware of the accrual of the loss or damage, time starts to run from the date on which the claimant discovered the loss or damage or could with reasonable diligence have discovered it.</p>	<p>Six years in E&W Five years in Scotland</p> <p>From the later of:</p> <ol style="list-style-type: none"> 1. the day the anti-competitive behaviour ceased; or 2. the claimant's "day of knowledge"³.
	<p>s. 2 and s. 32 Limitation Act 1980 s. 6 and s.11(3) of the Prescription and Limitation (Scotland) Act 1973</p>	<p>s. 2 and s. 32 Limitation Act 1980</p>	<p>Schedule 8A of the Competition Act 1998 and other enactments (amendment) Regulation 2017</p>
CAT	<p>Two years from the latest of:</p> <ol style="list-style-type: none"> 1. the end of the time period during which the decision can be appealed to a higher court; 2. a final appeal determination; or 3. the date on which the cause of action accrued.⁴ 	<p>Six years in E&W Five years in Scotland</p> <p>From the date on which the cause of action accrued.</p> <p>Should the claimant not be aware of the accrual of the loss or damage, time starts to run from the date on which the claimant discovered the loss or damage or could with reasonable diligence have discovered it.</p>	<p>Six years in E&W Five years in Scotland</p> <p>From the later of:</p> <ol style="list-style-type: none"> 1. the day the anti-competitive behaviour ceased; or 2. the claimant's "day of knowledge".
	<p>ss. 47A and 47B of the Competition Act 1998 and Rule 31 of the Competition Appeal Tribunal Rules 2003</p>	<p>Consumer Rights Act 2015⁵</p>	<p>Schedule 8A of the Competition Act 1998 and other enactments (amendment) Regulation 2017</p>

¹ When the law of England & Wales or Scotland is the substantive law of the dispute.

² In England & Wales: where a tort is continuing, the right of action accrues afresh every day, but damages can only be recovered for that part of the loss which arose within the relevant period before the commencement of proceedings. In Scotland: s.11(2) of the 1973 Act provides that when the tort is a continuing act, it shall be deemed for the purposes of subsection to have occurred on the date when the act ceased.

³ The claimant's "day of knowledge" is the day on which the claimant first knows or could reasonably be expected to know: (a) of the infringer's behaviour; (b) that the behaviour constitutes an infringement of competition law, (c) that the claimant has suffered loss or damage arising from that infringement, and (d) the identity of the infringer. *Note:* Sch 8A Competition Act 21(1) provides that when a competition authority investigates an infringement, the period of the investigation is not to be counted for the purpose of the limitation period.

⁴ These "original" limitation rules will continue to apply to claims where the cause of action accrues before 1 October 2015, even if the claim itself is brought after 1 October 2015 or after 9 March 2017.

⁵ New s.47E added to the Competition Act 1998 and original s.47A deleted.