



COMPETITION APPEAL TRIBUNAL

NOTICE OF A CLAIM UNDER SECTION 47A OF THE COMPETITION ACT 1998

Case No: 1752/5/7/25

Pursuant to Rule 33(8) of the Competition Appeal Tribunal Rules 2015 (S.I. 2015 No. 1648) (the “Tribunal Rules”), the Registrar gives notice of the receipt of a claim (the “Claim”) on 26 September 2025, under section 47A of the Competition Act 1998 (the “Act”), by Dr Andrés Herane-Vives (the “Claimant”) against Bupa Insurance Services Limited (the “Defendant”).

According to the Claim, the Claimant is a qualified psychiatrist. The Claim states that the Defendant has refused to register the Claimant as a consultant on its provider list unless the Claimant satisfies restrictive eligibility criteria, such as MRCPsych or UK Specialist Registration. These requirements are not imposed by law but rather are a private policy of the Defendant. The Claim states that the Defendant’s refusal is inconsistent with the recognition provided to the Claimant by Bupa Global, who has accepted the Claimant as a consultant.

The Claimant alleges that the Defendant has breached the Chapter II prohibition, section 18 of the Act, as the Defendant holds a dominant position in the UK private health insurance market, which it abused by imposing unjustified eligibility requirements that foreclose competition and market access for psychiatrists who are otherwise qualified and lawfully permitted to practise in the UK. The inconsistency between the Defendant’s exclusion and Bupa Global’s recognition, the Claim alleges, further illustrates that the Defendant’s criteria are applied in a discriminatory and unjustified manner, amounting to an abuse of a dominant position.

The Claimant alleges that the Defendant’s conduct has also breached the Chapter I prohibition, section 2 of the Act, as the conduct forms part of agreements or concerted practices restricting competition in the market for psychiatric services.

The Claimant seeks:

1. a declaration that the Defendant has infringed Chapter I and/or Chapter II of the Act;
2. injunctive relief, requiring the Defendant to register the Claimant on fair, transparent, and non-discriminatory terms, and to cease applying blanket eligibility requirements not grounded in law. The Claimant also seeks that the Defendant be required to review its consultant recognition policies to ensure competition law compliance;
3. damages for financial loss and reputational harm; and
4. costs of these proceedings.

Further details concerning the procedures of the Tribunal can be found on its website at www.catribunal.org.uk. Alternatively, the Tribunal Registry can be contacted by post at Salisbury Square House, 8 Salisbury Square, London EC4Y 8AP, or by telephone (020 7979 7979) or email (registry@catribunal.org.uk). Please quote the case number mentioned above in all communications.

Charles Dhanowa CBE, KC (Hon)
Registrar

