



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1339/7/7/20

BETWEEN:

MARK MCLAREN CLASS REPRESENTATIVE LIMITED

Applicant and Class Representative

- v -

(1) MOL (EUROPE) AFRICA LTD
(2) MITSUI O.S.K. LINES LTD
(3) NISSAN MOTOR CAR CARRIER CO. LTD
(4) KAWASAKI KISEN KAISHA LTD
(5) NIPPON YUSEN KABUSHIKI KAISHA
(6) WALLENIOUS WILHELMSSEN OCEAN AS
(7) EUKOR CAR CARRIERS INC
(8) WALLENIOUS LOGISTICS AB
(9) WILHELMSSEN SHIPS HOLDING MALTA LIMITED
(10) WALLENIOUS LINES AB
(11) WALLENIOUS WILHELMSSEN ASA
(12) COMPANIA SUD AMERICANA DE VAPORES S.A.

Defendants

- and -

WOODSFORD GROUP LIMITED

Intervener

ORDER (DISTRIBUTION PLAN)

UPON the Tribunal having approved collective settlements between the Class Representative and (i) the Twelfth Defendant on 6 December 2023, (ii) the Fourth Defendant on 6 December 2024, (iii) the Sixth to Eleventh Defendants on 6 December 2024, and (iv) the First to Third and Fifth Defendants on 11 February 2026 (the **Collective Settlements**)

AND UPON the Class Representative having received, or become entitled to receive on notice, monies under the Collective Settlements for distribution to the persons represented by the Class Representative (the **Represented Persons**) or for the other purposes specified in the Collective Settlements (the **Settlement Sums**)

AND UPON the Collective Settlements providing that the Class Representative would in due course make an application seeking the Tribunal's approval to distribute the Settlement Sums in accordance with a distribution plan prepared by the Class Representative in conjunction with a claims administrator and in a manner which the Class Representative considers to be just and reasonable (the **Distribution Process**)

AND UPON the Tribunal, in approving those Collective Settlements, deferring its decision as to the time and manner for Represented Persons to decide whether to opt out of or opt into (as appropriate depending on their place of domicile) those Collective Settlements (as required by Rule 94(10) of the Competition Appeal Tribunal Rules 2015 (the **Rules**)) until after approval of the Class Representative's distribution plan

AND UPON the Settlement Sums having been held in interest-bearing accounts pending such an application by the Class Representative, and having accrued and continuing to accrue interest (the **Settlement Interest**)

AND UPON the Tribunal, by order dated 24 December 2025, (i) having granted permission for the Class Representative to use up to £425,000 (including VAT) of the Settlement Sums being held in escrow in order to pay the costs of preparing and seeking the Tribunal's approval for the Class Representative's distribution plan on the condition that (ii) any monies so used be deemed a temporary draw on the sums allocated as 'damages sums' under the Collective Settlements, which would be reimbursed from and ultimately borne out of the sums allocated as 'distribution costs contributions' under the Collective Settlements (**Distribution Costs Contributions**)

AND UPON the Tribunal, in its judgment dated 15 January 2026 which preceded making its order approving the final Collective Settlement, having stated that the Class Representative would in due course need to file a report providing a more detailed breakdown of its costs, fees and disbursements (**CFDs**) claimed in these proceedings (the **CFDs Report**)

AND UPON the Class Representative having filed its proposed plan for the Distribution Process with the Tribunal on 3 September 2026 (the **Distribution Plan**)

AND UPON the Tribunal considering the written submissions filed in advance of, and the oral submissions from Leading Counsel for the Class Representative, Leading Counsel for the Sixth to Eleventh Defendants, and Counsel for the Intervener at the hearing on 17 September 2026 to consider the Distribution Plan (the **Distribution Plan Approval Hearing**)

AND UPON the Tribunal's ruling dated 23 September 2026 ([2026] CAT 74) following the Distribution Plan Approval Hearing (the **Distribution Plan Ruling**)

IT IS ORDERED THAT:

1. The Settlement Sums be distributed to the Represented Persons in accordance with the version of the Distribution Plan amended in light of the Tribunal's comments at the Distribution Plan Approval Hearing. A non-confidential version of the amended and approved Distribution Plan is annexed to this Order.
2. The Class Representative is to publicise this Order and the approved Distribution Plan by using the notice approved by the Tribunal and in accordance with the noticing proposals set out in the approved Distribution Plan annexed to this Order.
3. Pursuant to Rule 94(10) and (11) of the Rules, and further to the orders approving each of the Collective Settlements:
 - (i) A Represented Person who is domiciled in the United Kingdom on 5 October 2026 may opt out of the Collective Settlements by notifying the Class Representative either by email (to optout@cardeliverycharges.com) or by post (to Car Delivery Charges, PO Box 13260, Braintree, Essex CM7 0PL). Notice of an intention to opt out must be received by 6 November 2026 to be effective.
 - (ii) A Represented Person who is **not** domiciled in the United Kingdom on 5 October 2026 may opt into the Collective Settlements by notifying the Class Representative either by registering on the Class Representative's website (www.cardeliverycharges.com); or by email (to optin@cardeliverycharges.com); or by post (to Car Delivery Charges, PO Box 13260, Braintree, Essex CM7 0PL). Notice of an intention to opt in must be received by 6 November 2026 to be effective.
4. The Distribution Process shall run for six months from the date on which the window for participation by Represented Persons in the Distribution Process opens (the **Start Date**).
5. During the Distribution Process, the Class Representative shall prepare and submit monthly reports on the progress of the Distribution Process, with those reports due within one week following the completion of each full month of the Distribution

Process (each, a **Monthly Report**). Each Monthly Report shall contain the information specified in the amended and approved Distribution Plan to the extent that it is available at the time of preparing the relevant Monthly Report.

6. As soon as the Start Date is confirmed, the Class Representative shall apply promptly for the Tribunal to list a hearing to conduct a review of the progress of the Distribution Process after three months have been completed (the **Mid-Point Review Hearing**). The Mid-Point Review Hearing shall be listed: (i) according to the convenience of the Tribunal and counsel for the Class Representative; (ii) with a time estimate of two hours; and (iii) on the first available date one week following the completion of the third month of the Distribution Process.
7. Further to paragraphs 77–78 of the Distribution Plan Ruling, the Tribunal will review the Monthly Reports and may give further directions as to the approved Distribution Plan, including variation of the same.
8. The Class Representative be permitted to apply £2.5 million from the Settlement Sums (being the amount of the Distribution Costs Contributions) and £0.5 million from the Settlement Interest towards the costs of preparing the Distribution Plan and the costs of the Distribution Process. The Class Representative shall use part of these Distribution Costs Contributions to reimburse the costs of preparing and seeking approval of the Distribution Plan.
9. The Class Representative be permitted to pay the costs of preparing the CFDs Report out of the sums specifically allocated for the payment of CFDs under the Collective Settlements.
10. There be liberty for the Class Representative, Represented Persons and other interested persons to apply for further directions in the course of or following the Distribution Process.

Hodge Malek KC
Chair of the Competition Appeal Tribunal

Made: 5 October 2026
Drawn: 5 October 2026

IN THE COMPETITION APPEAL TRIBUNAL

Case No. 1339/7/7/20

**IN THE MATTER OF COLLECTIVE PROCEEDINGS
UNDER SECTION 47B OF THE COMPETITION ACT 1998
RELATING TO DEEP SEA CARRIAGE SERVICES**

B E T W E E N : -

MARK MCLAREN CLASS REPRESENTATIVE LIMITED

Class Representative

-and-

- (1) MOL (EUROPE) AFRICA LTD**
(2) MITSUI O.S.K. LINES LTD
(a company incorporated under the laws of Japan)
(3) NISSAN MOTOR CAR CARRIER CO. LTD
(a company incorporated under the laws of Japan)
(4) KAWASAKI KISEN KAISHA LTD
(a company incorporated under the laws of Japan)
(5) NIPPON YUSEN KABUSHIKI KAISHA
(a company incorporated under the laws of Japan)
(6) WALLENUS WILHELMSEN OCEAN AS
(a company incorporated under the laws of Norway)
(7) EUKOR CAR CARRIERS INC
(a company incorporated under the laws of Korea)
(8) WALLENUS LOGISTICS AB
(a company incorporated under the laws of Sweden)
(9) WILHELMSEN SHIPS HOLDING MALTA LIMITED
(a company incorporated under the laws of Malta)
(10) WALLENUS LINES AB
(a company incorporated under the laws of Sweden)
(11) WALLENUS WILHELMSEN ASA
(a company incorporated under the laws of Norway)
(12) COMPANIA SUD AMERICANA DE VAPORES S.A.
(a company incorporated under the laws of Chile)

Defendants

**THE CLASS REPRESENTATIVE'S
DISTRIBUTION PLAN**

I. EXECUTIVE SUMMARY

1. This distribution plan (the ***Distribution Plan***) outlines how the class representative, Mark McLaren Class Representative Limited (the ***CR***), in Case No. 1339/7/7/20 (the ***Claim***) made under section 47B of the Competition Act 1998 (as amended by the Consumer Rights Act 2015) (the ***Opt-Out Regime***) intends to distribute the money obtained under the settlements approved on 6 December 2023, 6 December 2024, and 11 February 2026 (the ***Settlements***), including the final MOL/NYK Settlement as approved by the collective settlement application order on 11 February 2026 (the ***MOL/NYK CSAO***), to consumers and corporate entities covered by the class definition (the ***Class*** and ***Class Members*** respectively).¹ This Distribution Plan also uses terms defined in the Settlements unless otherwise defined. This Distribution Plan has been updated in light of comments received from the Tribunal at the hearing on 17 September 2026 to consider the proposed plan which had been filed on 3 September 2026 (the ***Distribution Plan Approval Hearing***). A non-confidential version of this amended Distribution Plan will be annexed to the Order of the Tribunal approving the Distribution Plan and published on the Tribunal's website.
2. By way of overview:
 - i. As explained further at paragraphs 33-34 below, a significant number of vehicles were purchased by corporate Class Members. Since the MOL/NYK CSAO, the CR has engaged in an extensive outreach campaign to corporate members of the Class and has developed communication channels to the largest expected Class Members and other significant purchasers including local authorities. The CR has been assisted in this by the British Vehicle Rental and Leasing Association (***BVRLA***), the Local Government Association (***LGA***), and other such bodies. In addition, due to the obtaining of improved data from the Driver and Vehicle Leasing Agency (***DVLA***), the CR can substantially reduce the evidential burden on corporate Class Members who registered as 'Fleets' with the DVLA. For these reasons, which are more fully explained below, the CR is therefore increasingly confident of significant take-up by corporate Class Members.

¹ As discussed further at paragraph 28, the CR refers to "*Class Members*" instead of "*Represented Persons*", because "*Class Members*" is the more commonly understood term.

- ii. In relation to consumers, i.e. the remainder of the Class, the CR also intends to launch an extensive noticing/marketing campaign including various forms of advertising and earned media, including media targeted specifically at motorists. Details of the media and noticing plan are discussed at paragraphs 125-150 below.
- iii. To bolster its media and noticing plan for consumers, the CR has arranged support from the Consumers Association (*Which?*), Martin Lewis and Money Saving Expert (*MSE*), the Access to Justice Foundation (*AtJF*) (who have also reached out to Citizens Advice), and Macmillan Cancer Support (*Macmillan*). These consumer organisations and charities have large consumer networks and inherent credibility from their well-known brand names. The CR will leverage their networks and credibility to maximise consumer take-up. Motability Operations Limited, which is the commercial organisation which operates the Motability scheme (together Motability Operations Limited and Motability scheme are referred to as *Motability*) also has agreed to cooperate with the CR to publicise the distribution to its customers who are Class Members, including through contacting such Class Members directly to inform them of the distribution opportunity and to direct them to sign up: see paragraph 131(iv) below for more detail.
- iv. The CR has also agreed to cooperate with Nectar 360 Limited (*Nectar*), the UK's largest coalition loyalty scheme, for use as a payment distribution method: see paragraph 131(iii) for details of Nectar's support. Nectar is one of the most recognisable brands in the UK and has a base of money-conscious customers who would appreciate compensation as it will reduce their shopping bills, or enable an unplanned purchase. The CR will leverage Nectar's network and credibility to maximise take-up. Further, Nectar's availability as a payment option will assist Class Members who would rather not provide bank account details when obtaining their payout.
- v. In light of the CR's outreach to large corporate Class Members and their reduced evidential burden, and the steps and plans for contacting consumer Class Members (including those who are Motability customers) outlined above, the CR is confident that take-up will be significantly greater than in the one concluded distribution under the Opt-Out Regime. In particular, there is a sound basis for assuming that distribution will be significant for corporate Class members who register as 'Fleets'

and Motability consumers. As take-up expectations increase, the prudent allowances for amounts to be distributed per vehicle decreases, with a view to ensuring that there is sufficient money in the settlement pot to compensate all those who seek their entitlement if possible. The interaction between take-up and per-vehicle distribution has been the subject of detailed consideration by the CR and its team and is discussed in Section VII and illustrated in the comparative tables in Annex 5 below.

- vi. For the reasons explained at Section VII below, and having considered multiple permutations of take-up and per-vehicle distribution amounts, the CR proposes to distribute £25 for the first relevant vehicle of a Class Member, £5 for the second to sixth vehicles of a Class Member, and £2.50 for all subsequent vehicles of the same Class Member. The higher initial vehicle compensation amount of £25 is considerably higher than the overcharge figures per vehicle pro-rated against the total amount obtained in the Settlements, as calculated by Ankura (see paragraph 156) – 4.66 times **higher** than the pro-rated figure for consumers (£5.36) and 11.57 times **higher** than the pro-rated figure for corporates (£2.16). This higher figure has been deliberately chosen to entice Class Members to sign up for the distribution and is 25% (£5) **higher** than the mean amount likely to incentivise consumers to participate in the distribution, according to survey evidence arranged by the CR as discussed at paragraphs 164-167 below. The amount for vehicles 2 to 6 is to reflect an amount closer to the pro-rated consumer overcharge figure of £5.36 per vehicle and the amount for vehicles 7+ is to reflect an amount closer to the pro-rated corporate overcharge figure of £2.16 per vehicle. These amounts reflect the survey evidence that virtually all consumers (>99.2%, or 1,000/1,008) will have purchased 6 or fewer vehicles,² while virtually all Class Members who have purchased 7+ vehicles will be corporate entities (although the Class also includes very many corporate entities who only purchased one or only a small number of vehicles).
- vii. Assuming take-up rates of 90% among ‘Fleets’ (for whom there are low evidential requirements and with many of whom the CR has already engaged in discussions about distribution), 60% among Motability customers, 10% for businesses (who are not registered as ‘fleets’), and 5% for consumers (who are not Motability customers), this would result in distribution of £53.968m. This is against the “*Total Distribution*

² Thorndon survey evidence at DP1/12/467.

Sum” of £55.87 million (comprising the “*Guaranteed Damages Sum*” of £34 million and the £21.87 million of “*Additional Damages*”).³ The buffer of c. £1.9 million is in case the distribution exceeds those uptake assumptions. The reasoning behind those assumptions, and predicted payment levels at illustrative variations on those assumptions, are set out at paragraphs 160-167 below.

- viii. In terms of the mechanics of distribution and claims administration, for the reasons explained at Section V below the CR proposes self-verification for claims for 1-6 vehicles (i.e., up to £50 in total) and evidence-based verification for claims for 7+ vehicles. As noted above and in more detail at paragraphs 184-188, the evidence-based verification process for Class Members registered as ‘Fleets’ with the DVLA will not be onerous, given the data now available through the DVLA.
- ix. To facilitate ease of access for Class Members, and to address concerns regarding the provision by Class Members of their bank account details expressed in the context of the previous distribution under the regime and in the CR’s commissioned survey evidence, the CR will be offering a variety of payment methods for Class Members including in addition to bank transfer: (i) PayPal; (ii) Open Banking; (iii) charitable donation to Macmillan or the AtJF; and (iv) loyalty points payments through Nectar. This will be the first time the latter four methods have been offered in a distribution as an alternative for Class Members who feel nervous about sharing their bank details. The CR considers that making these alternatives available not only offers a benefit to Class Members in this distribution, but also to the Tribunal’s future oversight of other distribution processes because it promises to produce valuable data on the popularity and workability of different payment methods.
- x. The CR’s budget for the work is £3 million in total, comprising the £425,000 which has already been agreed to produce the Distribution Plan, the remaining £2,075,000 of the £2.5 million for distribution in the Settlements, and a request for an additional £500,000 as is provided for at clause 3.5 of the MOL/NYK Settlement Agreement, also referred to in paragraph 38 of the MOL/NYK CSAO judgment⁴ (the ***MOL/NYK***

³ See Annex 1 which contains a table showing how the Total Distribution Sum is calculated. In short, it comprises: (i) the “*Guaranteed Damages*” of £34 million; plus (ii) the “*Additional Damages*” of £20.75 million; plus (iii) the CSAV unallocated damages of £1.12 million; which equals £55.87 million.

⁴ [2026] CAT 6 (DP1/5).

CSAO Judgment) (DP1/5/97). Relatedly, the CR notes that, as at 31 August 2026 the total interest accrued on the Settlement Sums is £1,058,885.50. Please see paragraph 18(vi) below. It is requested that the Tribunal authorise the additional distribution costs to be paid for now from the interest which has accrued to date.

- xi. The CR intends to make an application prior to distribution to the class for a further interim payment towards the CR's costs fees and disbursements (**CFDs**) in an amount no greater than the balance of the CFDs' pot agreed in the Settlements. To the extent there are any Additional Damages left over after the distribution, the CR and other stakeholders reserve the right to apply for payment of CFDs from the remaining Additional Damages.

3. The structure of the Distribution Plan is as follows:

- i. A summary of the Claim and its status, to the extent relevant for informing consideration of this Distribution Plan;
- ii. A summary of the Class, its characteristics, and the number of potential Class Members;
- iii. A description of the engagement with Class Members;
- iv. A discussion of factors affecting take-up;
- v. A description of the noticing and communications plan;
- vi. Proposals on compensation amount per vehicle and anticipated distribution levels under those amounts, and an explanation of the CR's thought processes underpinning those amounts;
- vii. A description of the mechanics of claims administration for the distribution; and
- viii. Budget.

4. This Distribution Plan has been produced by the CR's team comprising:

- i. The solicitors and counsel for the CR.

- ii. Epiq Systems Limited (***Epiq***), which is the claims administrator for the Settlements and has been engaged by the CR to facilitate the Settlements claim process.
 - iii. Thorndon Partners Ltd (***Thorndon***), an organisation specialising in strategic communications, supported by qualitative and quantitative research. Thorndon is instructed by the CR to assist with publicising the Claim via media channels and relevant third parties. The CR instructed Thorndon to conduct research that would assist it in formulating the Distribution Plan. The research consisted of two surveys – Survey 1 and Survey 2 – and two focus groups. The conclusions and relevant analyses from Survey 1, Survey 2, and the focus groups are referred to together as the ***Engagement Research***.
 - iv. Ankura Consulting (Europe) Limited (***Ankura***), economic experts instructed by the CR who have assisted the CR with formulating the appropriate amount to be distributed to class members pursuant to the methodology described below.⁵
 - v. References to “we” or “the CR’s team” are references to the teams of advisers described in the sub-paragraphs above.
5. The Distribution Plan has been informed by discussions with Class Members, industry bodies, and others who may have an interest in the distribution, described in further detail at Section IV below. Considering the disappointing nature of the first distribution under the UK Opt-Out Regime in Case No.1304/7/7/19 *Justin Gutmann v First MTR South Western Trains Limited and Another* (***Boundary Fares***), the Distribution Plan also takes into account lessons learned from that distribution (DP2/2/83-154).⁶
6. The facts and matters referred to in this statement are within the knowledge of the solicitor at Scott+Scott with carriage of the Claim (Mr Cian Mansfield) and, unless stated otherwise, Mr Mansfield believes them to be true. Information from other sources is identified as such and is true to the best of his knowledge and belief. The Distribution Plan is verified by a Statement of Truth signed by Mr Mansfield on behalf of the CR.

⁵ Note that the CR’s expert economist during these proceedings, Mr Tom Robinson, is now a Senior Managing Director at Ankura, but this Distribution Plan also refers to work he produced earlier in these proceedings and for trial during his previous role as a Partner of BDO LLP.

⁶ In this respect the CR would, in particular, like to express its gratitude to Mr Rodger Burnett, the solicitor who had carriage of the distribution in that case, for providing his second witness statement (***Burnett 2***) (DP1/6/151) on, and for otherwise sharing his time regarding lessons learned from, that distribution.

Save where expressly stated, the details in this Distribution Plan reflect the position in terms of expressions of interest and registrations as at 3 September 2026 (i.e., the date the plan was filed in advance of the Distribution Plan Approval Hearing).

7. We have included an exhibit to this Distribution Plan comprising documents supporting the preparation of the Distribution Plan. References to the exhibit are in the format **DP1/Tab/Page** for documents cited in the Application Bundle, and **DP2/Tab/Page** for documents cited in the Authorities Bundle.
8. The CR considers that information relating to specific Class Members is confidential and should not be made publicly available. It is commercially sensitive information as to whether a particular named business has signed up to the distribution or not. There is also confidential information in relation to fraud prevention methods, which cannot be made public as that may facilitate ‘workarounds’ by potential fraudsters. Additionally, certain information provided by third party suppliers in connection with this Distribution Plan is commercially sensitive information on their costs and has been treated as confidential at their request. The signature of Mr Mansfield is also confidential. Confidential information in this plan is highlighted in green and will be redacted in the non-confidential version.

II. SUMMARY OF THE CLAIM AND ITS STATUS

9. Given the Tribunal’s familiarity with the Claim, we only provide a short summary of the nature of the Claim and its status here to inform consideration of this Distribution Plan. The Claim was filed on 20 February 2020. The Tribunal issued the collective proceedings order (**CPO**) on 20 May 2022. Trial between the CR and the remaining two groups of Defendants took place between 13 January 2025 to 13 March 2025 (the other three groups of Defendants having settled their claims prior to trial).

a) The Claim and its Theory of Harm

10. The Claim relates to overcharges on the price of deep-sea shipping services arising from the cartel identified by the European Commission in an infringement decision adopted on 21 February 2018 (Case AT.40009 – *Maritime Car Carriers*) (the **Decision** and the **Cartel**) (DP2/6/217). The Cartel operated between 18 October 2006 and 6 September 2012. The Cartel involved horizontal anti-competitive and collusive arrangements

concerning deep-sea car carrier services (i.e. the intercontinental shipping of cars, relevantly into Europe for the purposes of the Commission's jurisdiction to make the Decision and the liability finding on which the Claim was based). The theory of harm for the Claim was, in short, that: the addressees of the Decision (the *Cartelists*) inflated the price of deep-sea shipping services into Europe, both the prices they themselves charged and (through umbrella effects) the prices charged by other deep-sea shippers into Europe; most vehicle manufacturers selling or leasing vehicles in Europe at the applicable time produced some (or all) of their vehicles outside of Europe and shipped them into Europe (including European brands such as Volkswagen and BMW); where vehicle manufacturers shipped their vehicles into Europe, the prices they paid to do so were inflated as a result of the Cartel; the inflated shipping prices were then passed on to the vehicle manufacturers' downstream customers – the individuals or businesses who purchased or leased the vehicles – through inflated (express or implicit) delivery charges. Some manufacturers did not ship any vehicles into Europe, so vehicles purchased from these manufacturers are excluded from the Claim (*Excluded Brands*).

b) Overcharge to Class Members

11. The CR's economic expert, Mr Robinson, estimated the aggregate overcharge ultimately passed on to Class Members in the Claim. His analysis shows that the overcharge borne by the ultimate purchaser/lessee of a vehicle is impacted by several factors.
12. By way of high-level summary of the economic methodology, the amount of overcharge borne by Class Members was calculated by reference to:
 - i. The average overcharge attributable to a given vehicle manufacturer's shipped vehicles, which, in turn, depended on the number of vehicles shipped and their sizes⁷;
 - ii. The proportion of vehicles that a given vehicle manufacturer needed to ship into Europe;
 - iii. The size and timing of changes in the delivery charges designed to recover those costs by the national sales companies who marketed and sold each brand of vehicle; and

⁷ Further, the amount of overcharge on a per square metre basis was appraised to have changed through time.

- iv. The interest added to those charges, the calculation of which differs between consumers and corporate entities.
13. Therefore, the overcharge passed on to end customers may have differed in fact according to vehicle manufacturer, for example with manufacturers that imported only a minority of their vehicles through deep-sea shipping spreading the deep-sea shipping overcharge over a larger number of total vehicles, including ones that were manufactured in Europe and only shipped short-sea. The list price of the vehicle (as distinct from the delivery charge) is not a factor that affected the cost of shipping the vehicle agreed between the manufacturer and the shipper. Accordingly, overcharge is not affected by or correlated with vehicle value. In other words, a more expensive car will not necessarily have a higher overcharge: the Cartel increased the costs of intercontinental delivery, rather than the cost or price of the body of the vehicle (or, for completeness, other delivery costs e.g. the costs of delivery within the UK).
14. The average overcharge also differed as between consumers and corporate Class Members for several reasons, including that: (i) the vehicle brands most prevalent amongst consumers were different from those most prevalent amongst corporate entities; and (ii) the interest rates pleaded in relation to consumers (compound interest at vehicle finance rates for the average period of finance, followed by simple interest thereafter for the portion of consumers who purchased vehicles via financing, such as personal contract purchase) were different from those claimed on behalf of corporate entities (simple interest at a lower rate).
15. Conscious that there was ultimately no trial judgment determining what figure would appropriately compensate Class Members' total aggregate losses, the CR has sought to provide insight into what might be an appropriate measure of total aggregate loss for the purposes of considering distribution by triangulating between the highest claim value it sought at trial, and the proportion of recovery secured through the settlements. Ankura estimates the average overcharge per vehicle, derived from the total (aggregate) claim value pursued at trial (inclusive of interest), as £12.47 for consumers and £5.03 for corporate entities. The CR notes the Tribunal's position, as expressed at the Distribution Plan Approval Hearing, that these figures are a relevant point of comparison when considering the proposed structure of the distribution to Class Members. This Plan also refers, as an alternative point of comparison, to the pro-rated figures. These pro-rated

figures are calculated by pro-rating the figures (i.e., the figures derived from the total aggregate claim value pursued at trial) downwards to reflect the proportionate difference between the Total Settlement Pot and Ankura's estimates for the total aggregate value claimed at trial. That pro-rating calculation results in the following:

- i. A consumer overcharge of £5.36 per vehicle; and
- ii. A corporate entities overcharge of £2.16 per vehicle.

16. These figures are calculated as follows:

Table 1	Pro rating of per vehicle claim		
Category	Consumers	Corporates (Fleets and Businesses)	Total
Total original claim amount (inc. Interest) (£)	149,848,613	65,932,702	215,781,315
No. of affected vehicles during Claim Period	12,017,385	13,098,224	25,115,609
Average <u>claim</u> per vehicle (£)	12.47	5.03	8.59
Proportion of claim value	69%	31%	100%
Total Settlement Pot (£)		92,750,000	
Apportioned Total Settlement Pot (£)	64,409,928	28,340,072	92,750,000
No of Affected vehicles in Claim Period	12,017,385	13,098,224	25,115,609
Average <u>settlement amount</u> per vehicle (£)	5.36	2.16	3.69

17. Proposed compensation amounts are addressed in Section VII below.

c) The Settlements

18. Settlements in the Claim were approved on 6 December 2023, 6 December 2024, and 11 February 2026. As a result of these settlements, the CR collected a total of £92.75 million⁸ divided into ‘pots’ as follows:

- i. £34 million for distribution to Class Members and/or by way of *cy-près* to the Access to Justice Foundation (the ***Guaranteed Damages Sum***);
- ii. £21.87 million for distribution to class members if take-up by class members exceeds the guaranteed minimum (the ***Additional Damages Sum***), which if not taken up may – depending on which settlement different parts of this money comes from – then be applied to pay any outstanding CFDs, be paid to AtJF, or revert to or remain with certain Defendants who settled early)⁹;
- iii. £34 million for CFDs (£16,692,937.41 of this amount has been paid to stakeholders already);
- iv. £2.5 million was earmarked to pay the costs of distribution (the ***Distribution Costs Contribution***);¹⁰
- v. £380,000 from the CSAV Settlement (which settlement preceded the adoption of a ‘pot’-based structure) for certain *inter partes* costs that had by then been incurred;¹¹

⁸ Interest earned on these sums between receipt by the CR and distribution will be made available for distribution to Class Members and/or payment for the cost of distribution.

⁹ See MOL/NYK CSAO [5]; K-Line CSAO [5]; WWL/EUKOR CSAO [4]. (DP2/11,12,13)

¹⁰ Of which £500,000 was allocated under the WWL/EUKOR settlement, £500,000 under the K Line settlement and £1.5 million under the MOL/NYK settlement. Pursuant to clause 3.4 of the settlement agreement with MOL and NYK, any unused amount from the £1.5 million in that settlement earmarked for distribution will revert to the Defendants at the conclusion of the Distribution Process, *pro rata* and *pari passu* based on the level of contribution. Pursuant to clause 3.5 of the settlement agreement with MOL and NYK, if the Distribution Costs Contribution are not sufficient to meet the entirety of the distribution process, the CR shall use up to £500,000 from the Additional Damages Sum to pay for the costs of the distribution process. The CR may apply to the Tribunal for any further amount in addition to that sum to be paid towards the costs of the distribution process from the Additional Damages Sum if necessary. The CR submits that the additional amount be paid for now from the interest which has accrued.

¹¹ CSAV CSAO § 7. By § 7(b) of that order (dated 6 December 2023), the Tribunal ordered CSAV to pay £100,000 by way of contribution to the CR’s costs of the CSAV CSAO application. By § 8 of that order, the

- vi. As of 31 August 2026, £1,058,885.50 has been accrued in interest on the Settlement monies. Interest is calculated daily based on the closing bank account balance and paid quarterly. The interest rates offered by the accounts are variable and are determined by Royal Bank of Scotland in accordance with its business account terms. From 3 January 2025 until 10 June 2026, the Settlement Funds were held in the Scott+Scott Client Deposit Service Account, which was subject to a variable interest rate of between 0.10% to 1.96%. Since 10 June 2026, the Settlement Funds have been held in the Scott+Scott Mark McLaren CR Client Account (*McLaren Client Account*), which has been subject to a variable interest rate of between 1.10% to 1.70%. The current rate of interest offered by the McLaren Client Account is 1.45%. The CR had explored whether it would have been possible to obtain a higher rate of interest, but higher rates of interest are available only where the monies are held in a fixed term account. The CR concluded that a fixed term account was inappropriate in this case because of the need to preserve liquidity, particularly given uncertainty as to when payments out of the account would need to be made (as, indeed, payments out have been made to pay for, e.g., the costs of preparing the Distribution Plan, and a part-payment for CFDs).
- vii. Annex 1 contains a table showing the relevant ‘pots’ from each Settlement and in total.

d) The Total Damages Pot Available for Distribution

19. Grouping the Additional Damages and Guaranteed Damages pots together results in up to £55.87 million for distribution to the class in the first instance (the *Total Damages Pot*).¹² The Distribution Plan addresses the distribution of the Total Damages Pot.

Tribunal ordered the further £280,000 inter partes costs payment from CSAV to be held in escrow pending determination of the related stakeholder costs application (*SCA*). By § 58 of the Tribunal’s judgment of 12 July 2024 ([2024] CAT 47) on the SCA, the Tribunal gave permission for the CR to apply £71,000 from the £280,000 escrow sum towards the costs of the CSAV CSAO application; and a further payment of the CR’s costs of the SCA upon approval of a costs schedule.

¹² By order dated 24 December 2025, the Tribunal gave permission for the CR to use up to £425,000 (incl. VAT) from the settlement sums paid into escrow following the settlements with WWL/EUKOR and K Line to pay the costs of preparing and seeking the Tribunal’s approval for this distribution plan. This permission was granted on the condition that such payment would be deemed a temporary draw on the damages sums and those distribution plan costs would be reimbursed from and ultimately borne out of the £1 million earmarked for distribution costs under the WWL/EUKOR and K Line settlements.

III. THE CLASS, ITS CHARACTERISTICS, AND NUMBERS OF CLASS MEMBERS

20. The CR provides only a high-level description of the Class and its characteristics, to the extent required to understand the decisions made in this Distribution Plan.

a) The Class Definition

21. The complete class definition as certified is set out in the Re-Re-Amended Collective Proceedings Claim Form (**RACPCF**) (DP1/3/27-77). The key clause, which is followed by several further definitions, provides that the Class comprises:

“All Persons (other than Excluded Persons^[13]) who during the period 18 October 2006 to 6 September 2015 either Purchased or Financed^[14], in the United Kingdom, a New Vehicle^[15] or a New Lease Vehicle^[16], other than a New Vehicle or New Lease Vehicle produced by an Excluded Brand^[17] or, in

¹³ “Excluded Persons” are: “addressees of the European Commission decision in Case AT.40009 – Maritime Car Carriers, their subsidiaries, holding companies, subsidiaries of those holding companies, and any entity in which any of the addressees has a controlling interest; officers, directors or employees of any of the companies referred to in (a) above, at any time since 18 October 2006; all members of the Class Representative’s and Defendants’ legal teams and all experts or professional advisers instructed by them in these proceedings; all members of the Tribunal panel assigned to these proceedings and any judge hearing any appeal in these proceedings; any legal person that is recorded as dissolved on the register of companies kept by Companies House; and any natural person who died before 20 February 2020.” RACPCF, pages 14-15 (DP1/1/16).

¹⁴ “Purchased or Financed” is defined as: “Purchased or Financed in the United Kingdom means: (a) purchased a New Vehicle outright that was first registered in the United Kingdom with the Driver and Vehicle Licensing Agency as a new vehicle, save where such purchase was made for the purposes of providing vehicle finance services; (b) purchased a New Vehicle that was first registered in the United Kingdom with the Driver and Vehicle Licensing Agency as a new vehicle using a Hire Purchase Arrangement; (c) purchased a New Vehicle that was first registered in the United Kingdom with the Driver and Vehicle Licensing Agency as a new vehicle using a Personal Contract Purchase (PCP) Arrangement; or (d) was the lessee of a New Lease Vehicle that was first registered in the United Kingdom with the Driver and Vehicle Licensing Agency as a new vehicle on a Contract Hire Arrangement.” RACPCF, page 16 (DP1/1/18).

¹⁵ “New Vehicle” is defined as: “all Cars and Light and Medium Commercial Vehicles of which the purchaser, or a Related Third Party, was the First Registered Keeper.” RACPCF, page 15 (DP1/1/17)

¹⁶ “New Lease Vehicle” is defined as: “all Cars and Light and Medium Commercial Vehicles leased under a Contract Hire Arrangement by the First Registered Keeper (the lessor) to the first lessee”. RACPCF, page 15 (DP1/1/17); “Contract Hire Arrangement” is defined as: “a lease agreement under which the lessee pays a deposit followed by a fixed monthly amount for the use of a vehicle, and where, at the end of the term the lessee returns the vehicle to the lessor.” RACPCF, page 14 (DP1/2/22).

¹⁷ “Excluded Brands” are: Abarth; Aixam; Alfa Romeo; Aston Martin; Audi; Bentley; Daimler; DS; Ferrari; Fiat; Fuso; Iveco; Jaguar; KTM; Lamborghini; Land Rover; LDV; Lotus; Maserati; Maybach; Mia; Microcar; Mini; Morgan; Opel; Piaggio; Porsche; Renault Trucks; Rolls-Royce; Rover MG; Saab; Santana; Seat; Skoda; Smart; and Volvo. RACPCF, page 14 (DP1/1/16).

*the event such a Person has died on or after 20 February 2020, their Personal Representative” (**Class Members**).*

22. Therefore, Class Members are those individuals or businesses (other than Excluded Persons) who purchased or leased at least one new car, or light or medium commercial vehicle up to 6 tonnes other than Excluded Brands (*Affected Vehicles*), between 18 October 2006 and 6 September 2015. Broadly speaking, this relates to purchasing or leasing for their own personal or business use, but not for the purpose of providing vehicle financing.
23. Class Members will also be entitled to damages for additional eligible new vehicles purchased or leased between 7 September 2015 and 31 December 2019. This is because:
 - i. The pleaded claim as certified combines Class Members’ claims that arose during the period 18 October 2006 to 6 September 2015. As explained at RACPCF §44(1), the start of this period reflects the first day that the Commission acquired jurisdiction to sanction the Defendants. The end of this period is the date three years after the end of the infringement (6 September 2012) found by the Commission in the Decision. The additional three years was selected to reflect the likely cartel run-off effects of the Defendants’ anti-competitive conduct, i.e. at the upstream level, of inflated prices in contracts between shippers and car manufacturers.
 - ii. The Class Members whose claims arose within that pleaded period would have continued to suffer losses until after that pleaded period ended, including as the (upstream) overcharge and run-off effects in the contracts between shippers and car manufacturers continued to affect the (downstream) prices that manufacturers charged Class Members. Mr Robinson calculated that the (upstream) overcharge and run-off effects would have continued to impact (downstream) prices paid by Class Members until 31 December 2019. This means that Class Members falling within the certified class definition would have continued to suffer losses caused by the Cartel on any further eligible cars bought until that date.

iii. Mr Robinson's methodology calculated aggregate loss by reference to the following time periods¹⁸:

- (a) ***The Cartel Period***: October 2006 to September 2012 inclusive. This covers the months during which the Decision found that the Cartelists were colluding to inflate prices in the (upstream) deep-sea shipping market. Mr Robinson's methodology calculated pass-on on a brand-by-brand basis for each year from the date the Commission acquired jurisdiction, with some brands passing losses on to final class members very quickly and others taking significantly longer. See Appendix 10, Robinson 5.
- (b) ***The Run-Off Period***: October 2012 to September 2015 inclusive. This was the period during which prices in the (upstream) cartelised market (i.e., contracts between shippers and manufacturers) continued to be affected by the cartel despite the formal end to the anticompetitive conduct found by the Commission.
- (c) ***The Ongoing Loss Period***: October 2015 to December 2019 inclusive. This was the period during which the (upstream) inflated prices of deep-sea shipping continued to be passed on or otherwise reflected in the increased prices that were ultimately charged to downstream Class Members.

- 24. In this distribution plan, we refer to the Class Period to mean the period from 18 October 2006 to 6 September 2015, as it is the Class Period which determines whether you are a Class Member. We refer to the period from the beginning of the Class Period to the end of the Ongoing Loss Period together as the Claim Period, because this is the period for which the CR has calculated that Class Members suffered (pre-interest) losses relating to their claims.
- 25. The Class Definition does not include outright purchases made for the purposes of providing vehicle finance services. As explained at §44(3) RACPCF, the definition was formulated in this way because the industry expert evidence indicated that, in such circumstances, the end customer will bear the delivery charge (and therefore suffer the

¹⁸ See the Fifth Expert Report of Mr Tom Robinson (*Robinson 5*), at e.g. §3.12 and Section 6. As explained therein, the precise parameters of the date ranges adopted were also affected by the data he was able to obtain, e.g. aggregated to a monthly period.

relevant loss), rather than the vehicle finance company. In practical terms, this means that a car leasing company that purchased vehicles for onward leasing is not a Class Member in relation to those purchases. This can be contrasted with the position of e.g. a car rental company that purchased vehicles to rent out to its own customers on a repeat basis, where the Class Definition reflects the evidence that the rental company (and not its rental customers) will itself have borne the overcharge on the rental cars it purchased.

26. There will be some businesses (e.g. companies which both sell/lease and rent out vehicles) which will be Class Members in relation to some purchases, but not in relation to others. With this distinction in mind, we typically, in this Distribution Plan, refer to compensation per vehicle as opposed to compensation per class member.

b) Opt-in Class Members

27. The CPO also provided for persons satisfying the Class Definition domiciled outside of the UK to opt-in to the proceedings by 12 August 2022.¹⁹ The following non-UK entities opted in by the required date: [REDACTED]

[REDACTED]. By virtue of the requirement to satisfy the Class Definition, these opt-in Class Members still only form part of the Claim in relation to vehicles they purchased or leased in the UK, meaning that the vehicles in respect of which they can claim have already been captured by the data used to estimate aggregate damages. We can confirm that a call with the opt-in businesses' legal representatives was held on 16 June 2026 and follow-up emails were exchanged on 1 and 3 September 2026, regarding the date of the Distribution Plan Approval Hearing and next steps. Furthermore, the CR was in touch with the [REDACTED], through the BVRLA.

c) Represented Persons

28. Class Members who did not opt-out of the Claim or who opted in, and who are not Excluded Persons, are referred to as ***Represented Persons***. The opt-out window closed on 12 August 2022, by which date only six (6) Class Members had opted out of the

¹⁹ Collective Proceedings Order dated 20 May 2022, §6; see also RACPCF §36 DP1/1/3-8).

Claim. The CR refers to “*Class Members*” instead of “*Represented Persons*”, because “*Class Members*” is the more commonly understood term which will therefore be more convenient to use, when the CR and its advisers discuss the judgment and distribution with Class Members (i.e., Represented Persons) and the media in due course. However, the CR is, of course, aware of the strict legal distinction between Class Members and Represented Persons and that only Represented Persons can participate in the distribution.

d) Number of Class Members

29. Based on industry data from the Society of Motor Manufacturers & Traders (*SMMT*), which is itself taken from data from the DVLA, we estimate in the proceedings the total number of vehicles affected by the Cartel which were purchased or leased by Class Members in the Claim Period to be c. 25,115,609.²⁰
30. However, due to the way in which vehicle ownership data is stored by the DVLA, there is no publicly available record of the precise number of Class Members that correspond to this number of Affected Vehicles. Some Class Members will have purchased or leased one Affected Vehicle during the Class and Extended Loss Periods, while others will have purchased more. In this respect, we note that the available DVLA data confirms that: (i) Class Members comprise both corporate entities (e.g. businesses, local governments, police and fire services, etc.) (*Corporate Entities*) and consumers; and (ii) as would be expected, some corporate entities purchased very large numbers of vehicles.

²⁰ This data was originally obtained by Mr Robinson while preparing his reports in the proceedings. It provides information on the number of new registrations of each make and model of vehicle in each of the years between 2006 and 2019, inclusive. It also provides detail of the category of first registered keeper, allowing for a breakdown between consumers, businesses and fleets (and various sub-categories of these groups). We understand that the SMMT acquires its information from the DVLA. It then sells that data, in various forms, to businesses and individuals, including its members.

We note that Mr Robinson also separately obtained information directly from the DVLA, which he used in the process of calculating his adjustment to remove defunct companies. That data related to new registrations only to fleet companies and was (a) more granular in the sense that it provided the identity of the corporates which were the first registered keeper of the vehicles, but (b) less granular in the sense that it did not allow one to examine which of those vehicles was associated with an included brand, versus excluded brands. Given its purpose, it was also more temporally limited insofar as it related only to the period 2006 to 2015.

31. In relation to the number of vehicles owned by the different categories of Class Members, the SMMT data records the Affected Vehicles as being registered to the following three categories of purchaser/lessee:
- i. **“Consumers”**, i.e. individuals who purchased/leased vehicles;
 - ii. **“Fleets”**, i.e. companies, partnerships, sole traders that self-classify themselves with the DVLA as owning or managing fleets of vehicles²¹; and
 - iii. **“Business”**, i.e. companies, partnerships, sole traders who do not self-classify themselves with the DVLA as **“Fleets”**.²²
32. For the purposes of these collective proceedings, there is no substantive difference between entities registered on the DVLA website as a Fleet or a Business, both of which we regard as Corporate Entities. However, there is a difference in the level of information available which impacts on the evidential requirements for each category. The CR holds DVLA data for Fleets which contains the number of vehicles and, importantly, the relevant brands so we can determine if the Fleet purchased Excluded Brands or not. Such granular information is unfortunately not available for Businesses.
33. The number of Affected Vehicles registered to each of these categories in the SMMT data can be broken down as follows:

Table 2		
Numbers of Affected Vehicles per category of Class Member from SMMT data		
Category	Number of vehicles per SMMT data	Percentage of total (%) (rounded)
Consumer – not Motability	12,017,385	39

²¹ We understand that registering as a **“Fleet”** gives entities with multiple vehicles certain benefits such as managing registration certificates and road tax collectively.

²² We note that, as we understand from the DVLA, the difference between **“Fleets”** and **“Businesses”** is based on the businesses’ self-classification, i.e., whether a business has registered itself as a **“Fleet”** or not.

Table 2	Numbers of Affected Vehicles per category of Class Member from SMMT data	
Category	Number of vehicles per SMMT data	Percentage of total (%) (rounded)
Consumer – Motability	2,339,526	9
Consumer total	12,017,385	48
Fleet	9,906,630	39
Business	3,191,593	13
Corporate Entities total	13,098,223	52
Total	25,115,608	100

34. Therefore, approximately 48% (12,017,385 of Affected Vehicles) were purchased/leased by Consumers and 52% (13,098,223) of Affected Vehicles were purchased/leased by Corporate Entities. Further to paragraph 25 above, we note that several of the largest Corporate Entities will have purchased/registered all or a significant proportion of their vehicles for onwads leasing (i.e. a vehicle financing service) so will not be Class Members in relation to those vehicles. (Further to paragraph 157 of the MOL/NYK CSAO Judgment,²³ we address which of the Corporate Entities are Class Members and our engagement with them, in paragraphs 40-41, 49) below (DP1/5/136).
35. As noted above, the data we hold does not enable us to provide a reliable estimate of the total number of Affected Vehicles owned/registered per consumer Class Member, beyond extrapolating from the CR's consumer survey of 1,008 consumers (see below).

²³ [2026] CAT 6 (DP1/5/81).

However, through a Freedom of Information request, we have obtained data from the DVLA which sets out, on a company-by-company basis, the number of new vehicles of each brand purchased by Fleet companies. Therefore, we can estimate the number of class members, and the number of vehicles of Included Brands associated with each of them, with respect to Fleets.²⁴

36. Based on this information, the distribution within the Fleets segment of the Class is highly skewed. This skewness can be seen by comparing the mean (total divided by count), median (middle value when data ordered), and mode (most frequently recurring value), for the Fleets' segment of the Class:

Table 3	Average number of newly registered vehicles per Fleet Class Member²⁵
Type of average	Number of Vehicles
Mean	9,035
Median	66
Mode	1

37. The mean figure from the DVLA data being so much higher than the median (as shown in Table 3) indicates that the mean is clearly affected by outlier Class Members who

²⁴ We note that the Fleet company data was provided by the DVLA as two separate datasets: the first covering vehicles with a first date of registration between 2006 and 2015, and the second covering vehicles with a first date of registration between 2015 and 2019. The overlap between the two datasets may result in double counting of vehicles first registered in 2015. However, the extent of any overlap is unclear. We understand that the later dataset is drawn from the DVLA's online Register a Vehicle (RAV) system, while the earlier dataset contains no equivalent annotation, and it is therefore possible that there is no overlap at all. While any overlap would inflate the total number of vehicles, it would affect, at most, a single year within the fourteen years covered. On that basis, any such inflation is unlikely to have a material impact on the estimated average, median, or modal number of vehicles per Fleet Class Member. We intend to determine the extent of any overlap as part of our ongoing interactions with DVLA and will of course adjust our calculations to address it in due course.

²⁵ Because, as explained above, some of the largest purchasers are not Class Members for most vehicles they registered, the mean and median figures presented here are likely to be inflated.

purchased significantly larger numbers of vehicles than most. By contrast, the most frequently recurring number (the mode) in the DVLA data for new vehicles purchased/leased by Fleets in the Class (i.e. the most common number of vehicles for a Fleet to have purchased) is one (1).

38. To obtain more granularity on numbers of vehicles per Class Member, the CR enquired on this topic in the second survey it commissioned from Thorndon (**Survey 2**). Survey 2 indicated the following across the Claim Period)²⁶ (DP1/12/467):
- i. **Consumers:** 63% bought/leased 1 vehicle; 23% purchased/leased 2 vehicles; 10% purchased/leased 3 vehicles; 2% purchased/leased 4 vehicles; 1% purchased/leased 5 vehicles; and 1% purchased/leased more than 5 vehicles.
 - ii. **Fleet managers:** 8% purchased/leased 1-5 vehicles; 21% purchased/leased 6-10 vehicles; 10% purchased/leased 11-25 vehicles; 12% purchased/leased 26-50 vehicles; 15% purchased/leased 51-100 vehicles; 25% purchased/leased 101-250 vehicles; 9% purchased/leased 251-1,000 vehicles; and 1% purchased/leased more than 1,000 vehicles.
39. The DVLA data and results of Survey 2 together highlight that it cannot be assumed that Corporate Entities within the Class are large or sophisticated entities, or indeed that they purchased/leased a large number of new vehicles. There will likely be many Corporate Entities within the Class who are more akin to individual consumers than to large corporate entities including sole traders and other small or medium-sized businesses (**SMEs**). Accordingly, the Distribution Plan is drafted to have the interests of the whole spectrum of Corporate Entities in mind, from the more common sole traders and SMEs up to those who registered/purchased large amounts of new vehicles.

²⁶ We note that the respondents to each survey included both (i) Consumers and (ii) Fleet managers, defined as “*anyone with strong influence or decision-making authority over auto-purchasing/leasing in their company*”. “*Businesses*”, as per the SMMT/DVLA data, were not questioned as part of the surveys as the disparity between different sizes of businesses (ranging from sole traders who are more akin to consumers to very large fleet owners, but who do not classify themselves as “*Fleets*”) is too large). It was also considered inefficient to poll a general ‘business’ audience with no guarantee that these businesses use vehicles. (For clarity, defining a ‘business’ audience for a survey would be done by their title in a company (i.e. Manager / Director etc.). Running a business poll would have required an additional filter question on ownership of vehicles, with no guarantee of the projected outcome. The Fleet manager audience was deemed the best way to survey a commercially-minded audience to understand the different incentives and barriers. The primary research is accordingly not a precise match between the categories of Class Members questioned in the surveys and shown in the DVLA data.

e) Which Corporate Entities are Class Members

40. At paragraph 157 of the MOL/NYK CSAO Judgment, the Tribunal stated: “*the Tribunal expects the CR’s distribution plan to prioritise targeted engagement with major fleet operators and to report, so far as practicable, which listed fleets fall within the class definition and their expected participation, so that the likely contribution of large business claimants to overall take-up can be properly assessed.*” (DP1/5/136)
41. In this respect, the CR presents at Annex 4 a modified version of Annex 1 to the First Witness Statement of Cian Mansfield dated 6 January 2026, which was filed in support of the joint application by the CR and the MOL and NYK Defendants seeking the approval of a CSAO (*Mansfield 1*) (DP1/7/117-215), which contains a list of Fleet purchasers who registered 500 or more vehicles from Included Brands with the DVLA between 2006–2019. The list excludes those who we understand to be leasing companies and therefore who are not Class Members. This indicates that a total of 82 Fleets purchased or leased 4,157,192 vehicles during the Claim Period.

f) Motability

42. As can be inferred from Table 2 above, the single largest purchaser of vehicles during the period 2006-2019 is Motability Operations Limited. The Motability scheme enables over 890,000 disabled individuals to use their qualifying mobility allowance (a portion of various disability payments) to – amongst other things – lease a new vehicle instead of receiving the allowance as cash or in other form. It describes itself as both the “*largest leasing company in the UK*” and as having “*the largest fleet in the UK*”.²⁷ Motability Operations Limited purchased 1,921,557 vehicles during 2006-2019, or 7.66% of the total number of affected vehicles.
43. It was always understood that Motability vehicles formed part of the Class, on the assumption that Motability’s customers would be the Class Members and not Motability Operations Limited itself. To bottom this out and ensure awareness of the Claim amongst Motability and its customers, the CR’s team contacted Motability to discuss the details

²⁷ See: Motability homepage, accessed on 24 June 2026, available at: <https://www.mo.co.uk/>; ‘All About Us’, Motability website, accessed on 24 June 2026, available at: <https://www.mo.co.uk/about-us/>.

of how its leasing process operates. Unlike other leasing companies, there is a special DVLA registration process for Motability vehicles, whereby Motability Operations Limited (the lessor) is not registered as the “*First Registered Keeper*”, but rather its customers are. This is in contrast to other leasing companies which are registered as the First Registered Keeper. However, all Motability vehicles are registered with a specific DVLA “*fleet number*” so the vehicles are recorded as Motability vehicles even though they are registered in the name of the individual customer. Motability Operations Limited has explained that the reason for the customers being registered as the First Registered Keeper is administrative convenience for Motability.

44. This issue has identified the following considerations arising from the application of the Class definition to the unique circumstances relating to Motability:

- i. As referred to at paragraph 21 above, the formal Class definition is included in the RACPCF but the key description, followed by several definitions, states that the Class comprises:

*“All Persons (other than Excluded Persons) who during the period 18 October 2006 to 6 September 2015 either Purchased or Financed, in the United Kingdom, a New Vehicle or a New Lease Vehicle, other than a New Vehicle or New Lease Vehicle produced by an Excluded Brand or, in the event such a Person has died on or after 20 February 2020, their Personal Representative”
(Class Members).*

- ii. The definition of “*New Lease Vehicles*” says a New Lease Vehicle is a vehicle leased by “*the First Registered Keeper (the lessor)*” to the first lessee.
- iii. The Class definition equated the relevant lessor to always being the First Registered Keeper, on the assumption that this would always be the case. The Class definition is silent on how that should apply where the lessor is not also the First Registered Keeper, and specifically where the reason for the First Registered Keeper being the lessee and not the lessor is because of a bespoke administrative provision that applies to the registration of Motability vehicles.
- iv. The CR has had to determine how “*First Registered Keeper (the lessor)*” applies to Motability vehicles in these circumstances. The CR considers the intention behind

the clause means it suffices that Motability Operations Limited is “*the lessor*” in these circumstances.

- v. This interpretation is supported by the definition of “*Contract Hire Arrangement*”, which matches the means by which Motability customers contract with Motability Operations Limited: “*Contract Hire Arrangement means a lease agreement under which the lessee pays a deposit followed by a fixed monthly amount for the use of a vehicle, and where, at the end of the term the lessee returns the vehicle to the lessor.*”
 - vi. It is also supported by the definition of “*Purchased or Financed*”, which states in the context of leases: “*Purchased or Financed in the United Kingdom means: ... (d) was the lessee of a New Lease Vehicle that was first registered in the United Kingdom with the Driver and Vehicle Licensing Agency as a new vehicle on a Contract Hire Arrangement*”.
 - vii. If this interpretation is not adopted, then Motability customers – who are some of the most vulnerable persons affected by the Cartel overcharge in the UK during the Relevant Period – would fall outside of the Claim because of a previously undiscovered administrative quirk in circumstances where the CR had always assumed that Motability vehicles were within the Claim.
 - viii. Conversely, by adopting the CR’s interpretation, this will maintain the size of the Class as envisaged and reflect the intention behind the original Class definition. It does not increase or otherwise affect the amounts provided under the Settlements.
45. Given the significance of Motability customers within the class, we provide the following further detail regarding the strategy proposed to maximise distribution to this group. In particular, we have considered whether a substantially higher rate of distribution can be achieved for this segment of the class, and whether a bespoke approach as regards Motability would be appropriate and feasible. The CR’s team have consistently sought to contact Motability Operations Limited to arrange such a bespoke model and Motability has agreed to providing its support and engaging in bespoke outreach, which we address at paragraph 131(iv) below.

g) Consumer Class Member demographics

46. In terms of the demographic profile of the Consumers, we can assume that consumer Class Members will be current or former car or van owners/lessees over the approximate age of 28, being those who were at least 17 years of age in 2015. The results of the Class demographics questions in Survey 2 indicate that:
- i. Men make up 52% of Class Members, compared to 48% of the population;
 - ii. The Class is concentrated amongst middle-aged adults, particularly those 35-49;
 - iii. Middle-aged women (35-49) are over-represented by 10% compared with the national profile;
 - iv. Middle-aged men (35-49) are over-represented by 12% compared with the national profile;
 - v. Class Members are more affluent than the national profile, with median household income at £51,501 compared with a national median of £39,039 (i.e., 32% higher).
47. This demographic profile information has been used to inform and focus the CR's strategy on noticing, including for digital advertising and social media, as described in Section VI.

IV. ENGAGEMENT WITH CORPORATE ENTITY CLASS MEMBERS

48. This section summarises the nature of the CR’s engagement with Class Members. Annex 2 includes a table of the “*engaged*” Class Members, the nature of their engagement, and the number of vehicles which we understand they may hold. Where we refer to “*engaged*” Class Members, we are referring to Class Members who have:
- i. Attended focus groups;
 - ii. Corresponded directly with us in response to our outreach;
 - iii. Corresponded through their external advisers in response to our outreach to them or their advisers; and/or
 - iv. Registered on the Claim website for updates.
49. For the avoidance of doubt, a Class Member being “*engaged*” is not a guarantee that the Class Member will participate in the distribution. Whether a Class Member will decide to participate will depend on several factors such as the ultimate per vehicle compensation, the time and effort it takes to participate in the distribution process including – in particular – the evidential requirement on Class Members, and Class Members’ own decision-making processes (regardless of whether a Consumer or Corporate Entity). These factors are addressed in more detail in the Sections on factors affecting take-up, per vehicle compensation amounts, and the proposed mechanics of the claims administration process.
50. We have also sought to contact presumed Class Members listed in Annex 4 and sent emails to identified email addresses and, in some instances, LinkedIn messages. Not all presumed Class Members have engaged with our communications (and when we refer to “*engaged*” Class Members, we do not include those who have not responded). We will seek to contact those who have not responded again, in advance of the distribution window opening.

51. For the avoidance of doubt, where we refer at this stage to the number of vehicles a Class Member has, this is an estimate derived from the DVLA data from 2006-2019 as a proxy. By way of caution, please note the potential double-counting for 2015.²⁸

a) Car rental sectors

52. As noted above at paragraphs 25 and 40 and reflected in Annex 4, a lot of the largest Corporate Entities will have purchased the vehicles for onwards leasing and, for those Corporate Entities falling into that category, in respect of vehicles they lease onwards, they will not be Class Members, but rather their customers will be. The largest Corporate Entity Class Members will therefore be car rental companies (rather than car leasing companies), as they purchased large volumes of vehicles for their own use (rather than for vehicle finance purposes).

53. The daily rental industry is highly concentrated, and this matter was explored in the evidence available to the Tribunal at trial. In particular, Appendix 12.14 of Robinson 5 sets out the key companies in that industry. According to that evidence, in 2012 (during the Relevant Period) the 'Top 8' companies (comprising [REDACTED]
[REDACTED]
[REDACTED]) purchased around 87% of the vehicles purchased by rental companies.

54. Accordingly, we have engaged with [REDACTED]
[REDACTED] to ensure that they are aware of the settlement. All these car rental companies have expressed interest in participating in the distribution and we will continue to engage with them and offer to assist them with making their submission to the distribution.

55. While the number of vehicles purchased by these companies is very large, there are two sources of evidence as to the size of the sub-set comprising affected vehicles, and they produce broadly consistent estimates.

56. We refer, first, to the data obtained from the DVLA summarised at paragraph 35 above. This sets out on a company-by-company basis the number of vehicles registered under the "*Fleet*" designation with the DVLA – it does so (a) for the period 2006 to 2019, and

²⁸ See related explanation in footnote 204 above.

(b) broken down by brand of vehicle for each Fleet and entity, and so enabling one to determine the number of a given entity's vehicles which are from Included Brands. That data lists entries with respect to [REDACTED], totalling c. 2.7 million vehicles.²⁹

57. Secondly, we refer to the data obtained from the SMMT, on which Mr Robinson's analysis of loss primarily relies (and which also covers the period 2006 to 2019). This is set out at Appendix 10.12 of Robinson 5. This data, obtained from SMMT but ultimately sourced from the DVLA, contains a classification marking for vehicles sold for daily rental purposes (marked as either "*Fleet: Daily Rental*", "*Business: Daily Rental*", or "*Fleet: Rental*"). When one simultaneously filters to count only vehicles with these classifications, and then further filters to count only Included Brands, they sum to a total of 3,479,089 vehicles. As discussed above, Mr Robinson estimated that the top 8 rental companies accounted for around 87% of the total fleet for daily rental vehicles, and so when one applies that percentage to the SMMT figure, one calculates a total of around 3 million vehicles of affected brands.
58. We note that Mr Robinson's analysis subsequently applied a deflator to the number of vehicles registered during the period 2016 – 2019 to make an adjustment to reflect the exclusion of purchasers of vehicles which were not Class Members on the basis that they had not previously purchased a vehicle during the period 2006 to 2015 (in line with the class definition). This adjustment reduced the total number of vehicles considered in Mr Robinson's damages assessment by 26% in each of the years between 2016 and 2019 and is discussed at paragraphs 3.13 to 3.20 of Robinson 5 under the heading "*Existing Customers*". For simplicity, we have not made such an adjustment in this calculation (not least because the top 8 daily rental companies will certainly have made purchases during the period 2006 to 2015, and so on that basis would be Class Members with respect to all the vehicles of Included Brands registered during the entire 2006 to 2019 period).

²⁹ As explained at paragraph 35 above, the potential for double counting in 2015 means that this total may be inflated to some degree.

59. The evidence gives rise to a range of vehicle volumes which may be attributed to the key car rental businesses we have contacted, albeit a narrow one. Both the DVLA and SMMT data cover the whole Claim Period, and both allow one to filter out vehicles which relate to Excluded Brands. The key difference is that the DVLA data is company specific, while the SMMT data is not. It therefore seems logical that the DVLA data is more precise in this regard. On this basis, we can conclude that these companies alone may account for around 2.7 million vehicles, approximately 11 percent of the total c. 25 million affected vehicles.
60. The CR's team has also been in touch with smaller car rental companies including [REDACTED]
[REDACTED]
[REDACTED]. However, we note that [REDACTED] is a hybrid leasing and rental business so only part of its vehicle registrations form part of the Class. As discussed above at paragraph 2.i and below at paragraph 131(v), the BVRLA has also already publicised the Claim on its website and newsletter and will notify its members again when the distribution window opens.³⁰
61. The CR's team have also been in touch with other transport / logistics companies who we understand to be Class Members including [REDACTED]
[REDACTED], and the insolvency practitioners for [REDACTED]
[REDACTED]
[REDACTED]
62. In relation to non-transport Class Members, the CR and his team have engaged in communications with [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].
63. A significant number of Affected Vehicles were purchased by local authorities. In this respect, [REDACTED] attended our focus group. We have also been in touch with the LGA, who emailed all county councils with vehicles registered in

³⁰ *Historic price fixing by shipping firms: compensation for vehicle users*, 12 May 2026, BVRLA website, accessed on 25 June 2026, available at: <https://www.bvrla.co.uk/home/discover/news-and-analysis/historic-price-fixing-by-shipping-firms-compensation-for-vehicle-users>.

the DVLA data (see Annex 3 for the complete list). The following councils have registered on our website for updates, with the majority of them signing up subsequent to the LGA's outreach on the CR's behalf to all the affected councils (although some of them signed up prior to that):³¹ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The LGA will again contact all the affected councils when the distribution window opens. To the extent the councils do not engage, the CR can contact individual councillors at each affected and unresponsive council to notify them of the distribution.

64. The CR and its team have also engaged with the government to ensure awareness and take-up by government entities. Specifically, the CR has been in touch with the [REDACTED] and the Department of Business, Innovation, Science and Trade (*DBIST*) regarding the [REDACTED]. The CR has also sought to contact the [REDACTED] through the DBIST regarding purchases by [REDACTED] and will ensure that the [REDACTED] is made aware once the distribution window opens.
65. The communications with the Corporate Entities have been positive. All the entities with whom we have engaged have shown interest in participating in the distribution. However, all or virtually all Corporate Entities we have spoken to have expressed concern about whether they will continue to hold the evidence required to substantiate their claim. In this respect, the situation has improved as the DVLA has provided further data it holds on Fleets. The CR considers that for entities that are registered as Fleets on the DVLA, it can provide a very simple verification method, that would alleviate these concerns, and this is further detailed in paragraphs 184-188 below.

b) Consumer Class Member Outreach

66. As explained at paragraph 4.iii above and at Section V below, we have undertaken two surveys of consumer Class Members. However, we have not yet allocated further

³¹ These vehicle numbers are their self-declared vehicle numbers on the website and therefore may be estimates. The amounts that are recorded to them in the DVLA data are included at Annex 3.

resources on outreach to the consumer Class Members for the following reasons: (i) the CR has focused on the large Corporate Entities to ensure a threshold of awareness among a significant proportion of the Class (by value); (ii) the consumer outreach will be the focus of the noticing and communications plan discussed at Section VI below; and (iii) as a matter of timing, the focus for consumers will be tied to the opening of the distribution window to ensure that consumers can sign up as soon as they become aware.

V. FACTORS AFFECTING TAKE-UP

67. In this Section we provide information on factors which may affect take-up of Class Members.

a) Engagement Research Methodology and Feedback

68. As noted above, the CR instructed Thorndon to conduct the Engagement Research to assist the CR: Survey 1, which examined public attitudes and behavioural intent regarding the Claim and was conducted in Autumn 2025 (*Phase 1* of the research), and Survey 2, which examined in more detail the incentives for and barriers to submitting a claim in the Settlements and was conducted in early Spring 2026; and focus groups on distribution with both Consumers and employees of Fleets which were conducted in early Spring 2026 (together Survey 2 and the focus groups formed *Phase 2* of the research).

69. Phase 1 comprised the design and delivery of two complementary surveys, targeting two distinct audience samples that were representative of the class in the Proceedings:³²

- i. A sample size of 1,000 consumers, who meet the definition of the class, i.e. those who bought or leased a new car or van in the UK from the relevant included vehicle brands between October 2006 and September 2015;
- ii. A sample size of 300 Fleet managers, currently responsible for vehicle leasing, acquisition, or management decisions within their organisations. Fleet managers who participated in the survey were not surveyed to see if they meet the class definition given how ‘niche’ the target group being surveyed already is (i.e. ‘Fleet managers’).

70. The consumer survey included questions which were aimed at testing the following topics:

- i. Confirmation of eligibility and vehicle ownership within the relevant period;
- ii. Awareness of and willingness to engage in a claims process;

³² McLaren v MOL & Others: Class Take-up Analysis, Thorndon Partners Report, January 2026 (*Phase 1 Research Report*), pages 3-4 (DP1/10/389).

- iii. Minimum compensation threshold considered worthwhile relative to the time and information required to obtain the compensation;
 - iv. Document retention and likely ability to provide supporting records (e.g. receipts, registration documents, dealership details);
 - v. Reluctance or comfort levels with sharing personal or financial information; and
 - vi. Different aspects of potential claims processes and how they interact with each other and influence respondents' willingness to participate.
71. The Fleet manager survey included questions which were aimed at testing the following topics:
- i. The structure of decision-making around vehicle purchases and leases;
 - ii. The types of records held on past purchases, leases, and disposals, including internal databases, invoices, registration numbers, and dealership information;
 - iii. The accessibility and organisation of historical files;
 - iv. The respective roles of Fleet teams, senior management, and legal departments in identifying and pursuing potential claims;
 - v. Likelihood to engage in a claims process under different conditions and potential operations hurdles; and
 - vi. How the characteristics of a potential claims process affect the likelihood that an organisation would participate.
72. Phase 2 comprised quantitative surveys, and two focus groups. Phase 2 was built on the Phase 1 research with the aim of providing more granular details relevant to the proposed distribution plan.
73. Similarly to Survey 1, Survey 2 comprised two complementary surveys: a sample of 1,008 consumers who meet the class definition; and a sample of 302 Fleet managers.
74. In addition, two online focus groups were conducted: a sample of 5 consumers who meet the class definition (with the same qualifying criteria used as for the survey); and a

sample of 3 fleet managers (who were recruited from those who had already signed up to the claim website).³³

75. Phase 2 included questions aimed at testing the following topics:
- i. How different variables might impact perceptions of compensation figures offered;
 - ii. How claimants react to potential ‘barriers’, including a wide range of evidential document requirements, the claim form and the statement of truth;
 - iii. The communications preferences of the potential class members.
76. The focus group sessions were designed to explore these topics further and to test the reasoning behind survey responses, test reactions to potential messaging and claim materials, and identify particular barriers within the claims process.³⁴ Focus groups are usually conducted with a small number of participants and the size of the focus groups in Survey 2 was ordinary for this type of exercise. The nature of the focus groups’ qualitative analysis was borne in mind when analysing the Phase 2 results. By integrating the two research strands, Thorndon sought to capture in their analysis both the shape of attitudes and behaviours among Class Members and the underlying reasoning, perceptions, and barriers shaping them.³⁵
77. The results of the Engagement Research suggest that there is a high willingness to claim amongst Class Members, but that take up rates are most impacted by: previous/existing awareness of the Claim; the amount of compensation available per vehicle; ease with which compensation can be delivered (including what supporting evidence or proof of identity is required to make a claim); and the form in which compensation can be claimed (e.g., bank transfer, voucher, charitable donations). Each of these factors is addressed below.

b) Willingness to claim and compensation amounts available per vehicle

³³ Phase 2 Research Report, page 2.

³⁴ Phase 2 Research Report, pages 2-3.

³⁵ Phase 2 Research Report, page 2.

78. The first point concerning potential take-up relates to so-called ‘willingness to claim’, i.e. how willing would potential Class Members be to make a claim based on different levels of compensation offered. Survey 1 tested this using both split tests (i.e. surveys which randomly divide the respondent audience for comparison purposes) and a conjoint analysis (designed to test how the different aspects of a potential claims process interact with each other); and Survey 2 deployed split tests and an iterative test (an iterative bidding experiment is one in which pricing is adjusted across multiple rounds of bidding based on respondent feedback).
79. To arrive at more accurate results, Thorndon sought to address ‘overclaim’ bias, which it identified as capable of inflating estimates of uptake. ‘Overclaim’ bias is a cognitive bias in which a person claims knowledge, familiarity, or expertise that they do not have in reality. This bias manifests in surveys when respondents answer affirmatively to questions in the abstract, but this does not translate to their real-life behaviours. To tackle this, Thorndon broadly followed the methodology set out in the *Merricks vs Mastercard* Class Uptake Analysis report: where take-up rates were analysed by using indicators of claim awareness and behavioural likelihoods, to contextualise ‘willingness to claim’ estimates. The Phase 1 Research Report added a further layer to this methodology: ‘adjusted awareness’. This is an adjustment to the results to address potential ‘overclaim’ bias in the self-reported levels of awareness of the claim.
80. Survey 1 indicated the following levels of willingness to claim:
- i. **Consumers:** 39.8% of consumer respondents said that they would claim for a total amount of £5, 67.1% would claim for £45, and 64.9% would claim for £100. Factoring in self-reported awareness (i.e. a reduction to reflect the proportion of respondents who said they did not know about the claim), results showed that offers of £5, £45 and £100 would result in uptake levels of 6.8%, 11.5% and 11.2% respectively; while factoring in adjusted awareness (i.e. the proportion of respondents estimated actually to have known about the claim) estimated consumer uptake at 0.7%, 1.2% and 1.2% for offers of £5, £45 and £100 respectively.
 - ii. **Fleet managers:** 86.3% of Fleet respondents said that they would claim for a total amount of £500, 92.1% would claim for £5,000, and 93.6% would claim for £25,000. Factoring in self-reported awareness (i.e. the proportion of Fleet managers who said

they knew about the claim), the estimated take up rate varied when offering different amounts of compensation as follows: 33.3%, 29.8% and 31.9% for £500, £5,000 and £25,000, respectively; and adjusted awareness results (i.e. factoring in Thorndon's estimate of how many managers actually knew about the claim) showed uptake estimates of 3.5%, 3.8% and 3.9% for £500, £5,000 and £25,000, respectively.

81. Building on these results, the CR and his advisors formulated a more granular set of proposed compensation amounts to test in Phase 2. Phase 1 had identified that there was a significant plateau in consumer willingness to claim in the range between £5 (39.8%) and £45 (64.9%); when going above £45 the 'willingness-to-claim' actually decreased with only 64.9% of respondents showing willingness to claim (and as can be seen from the results above, this trend was reflected in both the 'self-reported awareness' and 'adjusted awareness').
82. We therefore used Survey 2 to test where the tipping point lay between £5 and £45. We tested £15, £25 and £35, as detailed below. It is important to note that Phase 1 research and Phase 2 research were conducted with different respondents and at different points in time, so the results are not directly comparable as a strict like-for-like time series. The Phase 1 results are a useful reference point (and have informed the proposed figures in Phase 2, as noted above), but Thorndon consider the Phase 2 results to be the most informative evidence for 'willingness-to-claim'.³⁶
83. In terms of assessing the optimum compensation amount to trigger engagement among consumers and fleets managers, in Survey 2 an Iterative bidding experiment and a Split test were conducted. In the iterative test, Survey 2 respondents were shown a randomly selected amount of compensation within a given range (£15-45 for consumers and £50-500 for Fleet managers) and asked how likely they would be to claim on that level. Their response determined the direction of subsequent questioning: those likely to claim at that level were shown a lower amount, while those unlikely to claim were shown an incrementally higher amount, until either they accepted the price, or the offered compensation range elapsed.
84. The Iterative test prompted the following results:

³⁶ Phase 2 Research Report, footnote 2.

- i. **Consumers:** 82.5% would claim for some level between £15-£45; 66% would claim for £25 or under; and 52% would claim for £15.³⁷ The median acceptable amount was £15 and the mean was £20.54.
- ii. **Fleet managers:** 92% would claim for some level between £50-£500; just under 50% would claim for £100 or less; and just 33% would claim for £50 or less. The median acceptable amount was £100, and the mean acceptable amount was £151.62.

85. The Split test prompted the following results:

- i. **Consumers:** 71.8% of respondents said they would claim for £15, 73.1% for £25, and 76.5% for £35.
- ii. **Fleet managers:** 73.3% said they would claim for £55, 78% for £95, and 76.8% for £215.

86. The focus groups also confirmed the importance of an appropriate minimum compensation level. For consumers, a compensation figure of £9 was tested³⁸ and was perceived as too insignificant to claim for. For Fleet managers, the focus groups dismissed the £9 figure too. This aligns with the Survey 1 results, which indicated that £5 is too low of a compensation amount and is highly unlikely to entice people to claim their compensation.

87. Compensation expectations are higher among fleet managers with the amount offered needing to justify internal resource allocation. The Engagement Research results show that the threshold amount needed to motivate Corporate Entities to claim is closer to £100-£150 per total claim.³⁹ However, it should be noted that the Fleet managers who participated primarily had fleets of up to 250 vehicles.

³⁷ In Survey 1 respondents were asked an open-ended question as to what they would accept, which indicated only 45% would claim at £25. However, open-ended questions tend to inflate price levels as they are entirely in the abstract and not based on specific offers.

³⁸ This figure was tested due to its presence in previous media reporting, see: *Millions of British motorists are ripped off in £150 million scam inflating the price of new cars after shipping firms conspired to fix delivery costs*, Daily Mail, 29 February 2020, available at: <https://www.dailymail.com/news/article-8058445/Millions-British-motorists-ripped-150m-scam.html> (last accessed on 10 July 2026).

³⁹ I.e., for the total number of vehicles included in the survey respondent's hypothetical claim, not per vehicle.

88. While Fleet managers' interests were primarily financial in the focus group, there was also interest in righting wrongs after the unjust Cartel conduct. Fleet manager audiences expressed frustration at the overcharge on delivery fees. However, this was a secondary feature.
89. Survey 2 also tested whether respondents would still be interested in claiming if they were presented with a range instead of a fixed amount. For consumers, 82.5% said they would still be likely to claim if there was a range while for Fleet managers 81.7% said they would still be likely. The consumer focus group indicated that there can be distrust when presented with a range instead of a fixed amount, as it can feel "*tricky and scammy*" and consumers normally assume they will receive at the lower end of the range. The fleet manager business focus group also expressed a clear need to know what the financial figure was to determine if the effort was worth it commercially for their business. However, on the other hand, Survey 2 results showed that c. 80% respondents were no less likely to claim if offered a range, as opposed to being offered a specific compensation figure. The focus group results should therefore be considered alongside the indication from the quantitative survey results.

c) Previous/existing awareness of the Claim

90. Survey 2 indicates self-reported and adjusted awareness of:
- i. **Consumers:** 37% self-reported, 0-3% adjusted;
 - ii. **Fleet managers:** 61% self-reported, 5% adjusted.
91. Adjusting willingness to claim for awareness and based on behavioural likelihoods (derived from e.g. whether they have claimed for compensation before) implies the following take-up rates:
- i. **Consumers:**
 - (a) Self-reported: 10.2% for £15, 10.4% for £25, and 10.8% for £35;
 - (b) Adjusted: 0%;
 - ii. **Fleet managers:**

(a) Self-reported: 25.0% for £55, 26.6% for £95, and 26.2% for £215;

(b) Adjusted: 3.2% for £55, 3.4% for £95, and 3.3% for £215.

92. However, this information was based on awareness levels prior to the engagement with Corporate Class members (as discussed in Section IV above) and prior to the noticing and communications we intend to engage in (including through Motability), as discussed at Section VI below. The CR appreciates that, at present, the vast majority of the general public is unaware of the Claim and of the opt-out collective actions regime in general, and that one of the challenges the CR is facing is to raise awareness of the Claim and the regime more widely. The CR therefore appreciates the importance of raising Consumer and Corporate awareness and has sought to develop strategies to do so.

d) Methods of claiming compensation

93. In Survey 1, consumers were shown two different scenarios which replaced a direct bank transfer with a ‘donation to charity’ and ‘a voucher or gift card’ of the same value, and were asked to report whether this would make them more, less, or equally likely to submit a claim. Consumers indicated that their preferred means of receiving compensation was monetary form, i.e., via direct bank transfer. However, this was based on there being one form of payment only and not there being several alternative payment methods (as the CR intends for Class Member convenience and choice). Furthermore, we understand from discussions with Mr Burnett (the class representative’s solicitor on *Boundary Fares*) that the requirement for class members to submit bank account details reduced engagement as it was perceived as onerous and risky. This also aligns with primary research on UK consumers and collective actions by Thorndon (separate to the work undertaken for the purposes of the present Claim), which showed that while consumers say they would like money in their bank account, they are simultaneously reluctant to share their bank details.⁴⁰ Accordingly, we propose to offer several methods of payment to Class Members to provide choice and reduce friction as addressed in Section VIII below.

e) Evidential requirements

⁴⁰ *Beyond Dispute – Consumer behaviour and collective actions*, Thorndon Partners (2026) (the ***Thorndon General Research***) (DP1/11/454).

94. Perhaps contrary to expectations, and the position on bank details, the Engagement Research indicates that submission of basic personal information (e.g. name, age, gender, address) is not a barrier to signing up. Any such data will, of course, be subject to strict data protection requirements as outlined at paragraphs 198-199 below.
95. While the Engagement Research results show that Class Members are broadly comfortable with sharing basic, clearly relevant information, they appear to become less willing to proceed when evidential requirements for proving entitlement to claim feel hard to retrieve, excessive relative to the value of the individual claim, or only loosely connected to the underlying issue. For both consumers and fleet managers, the inclination was similar.
96. Consumers were presented with various evidential requirements and were asked to consider how comfortable they would feel providing or agreeing to each of these as part of completing the claim form.
97. Results for consumers show that comfort is highest for signing a statement of truth and allowing personal data to be stored and processed (over 80% of respondents), and that providing vehicle brands and facing checks against official records such as DVLA registration data are still acceptable to over 75% of the respondents.
98. Fleet managers were provided with more granular options of evidential requirements and were asked if they would easily be able to provide these.
99. Similar responses were seen amongst Fleet managers as for consumers, where ease of providing information was similarly very high (over 90%) for core administrative details.
100. For both consumers and fleet managers there was a clear change in approach when asked about providing historical data or proof of purchase. For consumers, the clearest point of difficulty was when asked about providing proof of purchase, which stood out as a material barrier relative to all other items. We therefore expect proof of purchase would be a significant friction point in the claims process for certain Class Members.
101. For Fleet managers, operational or historical data again proved challenging. Fleet managers were offered a range of potential sources of information with standard financial and administrative records such as vehicle purchase invoices, lease payments, and

accounting records being the documents fleet managers are most likely to hold. By contrast, more niche forms of evidence (e.g. Fleet management system extracts, fuel and EV charging expenses, telematics and GPS data) were less popular.

102. Focus group participants emphasised that a key issue in whether they will claim is whether the data is still accessible. Participants noted that legacy data is routinely deleted and/or that older data may sit in legacy systems and need to be restored.
103. As noted above and addressed in more detail below, for Fleets, the evidential requirement will be lessened as the CR now holds the relevant data to substantiate their claim save for certain confirmations.

f) Statement of Truth

104. Given the low per vehicle compensation value, and concerns about submitting evidence and creating friction in the claims process, the CR intends to use a self-verification process for claims up to a certain level. Such self-verification will be accompanied by a Statement of Truth. Accordingly, we tested the extent to which different forms of Statements of Truth may affect the willingness of Class Members to sign up.
105. We have reviewed the Statement of Truth employed in the *Boundary Fares* proceedings. Given its length and complexity, we expect the *Boundary Fares*' Statement of Truth was off-putting for Class Members, so instead tested three alternative draft Statements of Truth in Survey 2. The CR's concerns with Statements of Truth were two-fold: (i) on the one hand, overly severe language may discourage Class Members who would otherwise submit a claim; but (ii) on the other hand, it is important to ensure that Class Members understand the legal rights and responsibilities that come with submitting a claim. We therefore used the Surveys to test three forms of Statement of Truth: one that replicates the standard language in CPR Practice Direction 22, paragraph 2.2; one that omits reference to the possibility of contempt of court proceedings; and one that 'linked out' to further legal details (including the possibility of contempt proceedings). The three alternative draft Statements of Truth that were tested in Survey 2 are included in the Survey 2 research report, which is included in Exhibit DP1/12/494-495 (at pages 28-29 of the report. For completeness, we also include the Statement of Truth from the *Boundary Fares* distribution, which we considered (as explained above) but discarded

before the testing stage (as it was overly lengthy and complicated), at Exhibit (DP1/9/388).

106. Survey 2 indicates that including the reference to contempt of court does not appear to be a major barrier to the claims process. The CR and its advisors have taken this into consideration when designing the claim process, as detailed below in Section VIII.

g) Lessons learned from Boundary Fares

107. As noted above, this is only the second distribution under the Opt-Out Regime after *Boundary Fares*. As such, there is very little precedent to draw upon to inform an analysis of: (i) likely take-up rates; (ii) relative effectiveness of various noticing methods; and/or (iii) effectiveness of different distribution options. However, given the disappointing outcome of the distribution in that case (£216,485 distributed out of a potential £25,000,000 available for distribution, or 0.8%, and only 7,290 valid claims submitted)⁴¹, lessons can and should be learned from that experience. As noted above, we have accordingly reviewed Burnett 2 and spoken to Mr Burnett regarding that experience to inform our approach, and we are very grateful for his time and insight.
108. We understand from those discussions and the publicly available material that the low take-up rate in *Boundary Fares* can be attributed to a number of factors including: (i) the noticing methodology and PR strategy used; (ii) the relative difficulty of the claims process; (iii) the small individual claim amounts; and (iv) lack of awareness of the Opt-Out Regime amongst the general public. As noted above, the lengthy and overly complicated statement of truth may also have contributed.

Noticing to class members of the claim:

109. Solicitors for the class representative in *Boundary Fares* recognised problems with the initial noticing strategy employed, including that early publicity of the settlement had failed to gain traction at the start of the claim window for signing up to the distribution. Further factors that limited the effectiveness of noticing included (i) the design of the claim website; (ii) unclear messaging which failed to stress the need to take action to

⁴¹ See paragraphs 8, 13, and 14 [2025] CAT 72, Judgment (Stakeholder Entitlement), *Boundary Fares* (DP2/2/88-90).

receive money under the distribution; and (iii) insufficient reach of digital advertisements.

110. Midway through the window, the class representative in those proceedings changed strategy including changing his PR team. These changes lead to a substantial increase in take-up (from 16 claims to 15,276 claims).⁴²
111. Lessons that the *Boundary Fares* team learned from that process and consider either were or would have been important for noticing and PR in that Claim are:
- i. Securing coverage through trusted media sources and ‘earned media’⁴³, especially at the start of the distribution window;
 - ii. Posting in targeted online communities and forums used by the relevant category of class member;
 - iii. Conveying messaging through consumer advocacy groups;
 - iv. Employing out of home advertising placements in targeted locations (in that case, placements such as interior train panels and using a leafletting campaign at key rail stations);
 - v. Improving the clarity and effectiveness of messaging, encouraging immediate action and supplying QR codes on physical advertisement to facilitate access to the claim form (again, which was important in that);
 - vi. Optimising search listings by concentrating on the most popular search engines for UK users and broadening the keywords used for sponsored search listings;
 - vii. Adjusting social media targeting to platforms preferred by the predominant demographic of the class; and

⁴² Paragraphs 71 and 79, Burnett 2, DP1/2/72.

⁴³ “*Earned media*” refers to publicity or exposure of a particular issue gained through unpaid or organic means (such as word of mouth or people sharing or commenting on a story or article online) rather than because of paid advertising.

viii. Consistently adapting and optimising the overall strategy based on website visits and claim form completions.

112. It was also a relevant factor that *Boundary Fares* was the first distribution of a collective settlement in the UK, meaning that the claim process had to overcome a general lack of knowledge and familiarity on the part of the public with opt-out collective proceedings, resulting in a level of scepticism and suspicion amongst class members. Plainly, the landscape has not improved much yet, although the CR in this case is hopeful to continue raising awareness as much as it can through the proposals set out below.

Claims process:

113. We understand from those involved in the *Boundary Fares* distribution that a further barrier to take-up was the complexity of the claim process, shown by the high percentage of consumers who started, but did not complete the claim process. Evidence from Mr Burnett indicates that in a three-week period the relevant case-page was accessed 521 times, but only 112 claims were submitted i.e., an execution rate of 21.5%. Mr Burnett's assumption was that the low execution rate was due to the requirements to provide documentary evidence and personal/financial information. This was later addressed by removing proof of residency document requirements for certain claims and requiring bank details to be provided only once eligibility had been established. The complexity of the claims process in having three distinct pots presented to class members from which they could claim may also have hindered completion of the claims process.

114. Lastly, it is possible that the lengthy and overly complicated Statement of Truth may have been off-putting to class members. Mr Burnett is of the view that the Statement of Truth was unnecessarily long and complicated, but he has informed us in discussions that it was insisted upon by the defendants and claims administrator in that claim.

Charity donations:

115. The class representative in *Boundary Fares* explored the possibility of allowing class members to donate all or part of their entitlement to charities. In *Boundary Fares* 20 UK charities were approached, but none decided to participate (see Burnett 2 (DP1/6/168-169) at pages 18-19, where the reasons for their refusal to participate are also detailed).

As described at paragraph 131(vii)-131(viii) below, both Macmillan and the AtJF have agreed to participate as payment options for distributed sums.

Small claim amounts:

116. As noted in *Evans v Barclays and others* [2025] UKSC 48, claims such as *Boundary Fares* where “*there may be a large class of ordinary consumers affected by a breach of competition law resulting in their having to pay more for goods or services, but involving small sums for each individual which would make each individual case economically unviable given the costs involved*” (DP2/3/199) are “*the paradigm type of case in which opt-out proceedings are likely to be justified*” (DP2/3/199).⁴⁴ However, in *Boundary Fares* there appears to have been a degree of apathy among class members, which may have been – at least in part – due to the small individual claim amounts (c. £30).

h) Lessons Learned from Motor Finance and Diesel Emissions Claims

117. It is also helpful to compare this Distribution Plan with other campaigns employed by law firms, Claims Management Companies (*CMCs*), and regulators such as the Financial Conduct Authority (*FCA*), to engage consumers and/or businesses in relation to vehicle-related claims, most notably; (i) car finance mis-selling claims; and (ii) the ‘*Dieselpgate*’ emissions group litigation. While those campaigns are not directly comparable to the circumstances of this Distribution Plan (their aim being to find consumers and businesses eligible and willing to sign up for a claim or litigation process, rather than collect from an existing settlement pot) it is useful to examine the level of engagement that has been achieved in those campaigns and the methods and costs employed in doing so.
118. Car finance mis-selling claims relate to undisclosed commission arrangements between motor finance lenders and motor vehicle dealers. Since at least 2021, law firms and CMCs have engaged in extensive marketing campaigns to find consumers with claims (including under the Consumer Credit Act 1974) against motor finance lenders arising from these practices. The CR understands that in the relevant period between 2007 and 2020, consumers entered into 25.9 million motor finance agreements. Of these agreements, 14.6 million involved the now-banned discretionary commission

⁴⁴ At paragraph 116.

agreements.⁴⁵ When publishing its Redress Scheme, the FCA estimated that 12.1 million motor finance agreements would potentially fall within its scope.⁴⁶

119. As part of its consultation, the FCA conducted research into consumer awareness of the proposed redress scheme that was published in September 2025. This research indicated that 79% of motor finance customers were aware they may be owed compensation in relation to finance agreements, and 61% were aware of a possible redress scheme. Of those aware of possible compensation, 25% had already made a claim and a further 39% indicated that they intended to do so. The FCA research also showed that the key barriers to claiming for compensation included a lack of information about eligibility for any scheme (46% of respondents) and the perception that the process would be too complex (40% of respondents).⁴⁷ The FCA used the results of its research to launch a £1 million advertising campaign for its Redress Scheme, featuring radio and online advertising and using social media influencers (posting information on platforms including Instagram and TikTok) to raise awareness amongst motor finance customers that they did not need to use a CMC or law firm to access compensation. The FCA also posted videos on Instagram answering key car finance questions.⁴⁸ The FCA Redress Scheme is yet to be implemented and so the relative rate of success of these measures remains to be seen.
120. In conjunction with the FCA Redress Scheme, it is anticipated that many claims (both within and without the scope of the FCA Redress Scheme) will be brought via CMCs and law firms. The exact number of consumers who have engaged a CMC or law firm to pursue motor finance claims on their behalf is not publicly available, although by way

⁴⁵ *Over 3.8m car finance customers left on the hard shoulder by regulator*, Nikki Stopford, Consumer Voice, 20 August 2025, available at: <https://consumervoice.uk/cars/over-3-8m-car-finance-customers-left-on-the-hard-shoulder-by-regulator/>.

⁴⁶ FCA Motor Finance news alert “*FCA confirms motor finance redress scheme*” first published 30/03/2026 available at: <https://www.fca.org.uk/news/statements/fca-confirms-motor-finance-redress-scheme>.

⁴⁷ *Motor Finance Consumer Awareness Survey analysis*, Research Note, October 2025, Robert Cross and Susan Juffs, available at: <https://www.fca.org.uk/publication/research-notes/motor-finance-consumer-awareness-survey.pdf>.

⁴⁸ *FCA launches £1 million campaign to raise awareness of motor finance compensation scheme*, Press Releases, 3 December 2025, available at: <https://www.fca.org.uk/news/press-releases/fca-launches-campaign-awareness-motor-finance-compensation-scheme>.

of indication, research conducted by Consumer Voice in August 2025 showed that a sample of six firms surveyed represented 3,752,824 clients with 7,751,395 claims.⁴⁹

121. Similarly, large numbers of new and second-hand vehicle owners have joined group claims relating to the Dieselgate scandal since 2015. Over 90,000 motorists took part in the VW NOx Emissions Group Litigation, which was resolved in May 2022,⁵⁰ and a further 1.6 million claimants are currently participating in group claims against 14 vehicle manufacturers, being case-managed together in the Pan-NOx Litigation. The 1.6 million claimants in the Pan-NOx Litigation are represented by over 20 firms of solicitors.⁵¹ Law firms have been advertising for these claims from as early as 2015 up to at least the end of 2024, that being the deadline for entry on the Group Registers for the Pan-NOx litigation.
122. Both the motor finance claims and diesel emissions claims have been aggregated following wide-ranging media campaigns over the course of 5-10 years. These campaigns include:
 - i. Advertising by CMCs and law firms via dedicated websites, their own social media channels, radio and TV adverts;
 - ii. Mainstream media coverage of the claims; and
 - iii. Use of digital marketing agencies for targeted social media campaigns, which appear as adverts on social media platforms and allow consumers to check their eligibility for claims and enter an engagement with a CMC or law firm, by providing basic personal and vehicle information and indicating consent to enter into an engagement agreement. This process can often be completed in minutes. Social media platforms charge for this advertising on a Pay-Per-Click or cost-per-impression basis, where advertisers pay when a user interacts with the advert or when the advert is shown a

⁴⁹ *Over 3.8m car finance customers left on the hard shoulder by regulator*, Nikki Stopford, Consumer Voice, 20 August 2025, available at: <https://consumervoice.uk/cars/over-3-8m-car-finance-customers-left-on-the-hard-shoulder-by-regulator/>.

⁵⁰ *£193 million Volkswagen dieselgate settlement*, 25 May 2022, available at: <https://www.leighday.co.uk/news/press-releases/2022-news/193-million-volkswagen-dieselgate-settlement-further-statement-from-leigh-day/>.

⁵¹ *Dieselgate cheat device trial to begin in the High Court*, 10 October 2025, available at: <https://www.leighday.co.uk/news/press-releases/2025-news/dieselgate-cheat-device-trial-to-begin-in-the-high-court/>.

certain number of times. For each lead or client engagement that a CMC or law firm receives because of this advertising, digital marketing agencies will charge a fee referred to as Cost Per Acquisition (**CPA**). The CPA charged is calculated by dividing the total campaign spend (Pay-Per-Click or cost per impression) by the number of clients acquired as a result. The CPA for any campaign can therefore fluctuate over time and may increase where there is a high volume of adverts competing for the same targets.

123. It should be noted that the motor finance claims and diesel emissions claims are advertised as being much higher value claims than those subject to this distribution plan, with motor finance claims being advertised as worth in the range of £700 to £1,000 each and diesel emissions claims being advertised as worth up to £10,000 or 25%-75% of the purchase value of the vehicle.

i) Conclusion

124. The CR has taken the above information into account in formulating this Distribution Plan, as addressed in the remainder of this document, starting with noticing, before moving onto the per vehicle amounts for distribution and its impact on expected take up, claims administration, and then the budget for the intended work.

VI. NOTICING AND COMMUNICATIONS PLAN

a) Introduction

125. This Section sets out the strategy that the CR will employ to notify Represented Persons of the Settlements and encourage take-up of claims out of the Total Settlement Pot. Taking into account the matters set out at in Section II above, the CR has worked with Epiq and Thorndon to devise the following noticing plan to: (i) increase awareness of the Settlements and claim process amongst consumers and corporate entities (with targeted approaches for each) and drive traffic to the claim website; (ii) prepare a co-ordinated, multi-strategy media and advertising plan that is ready to implement as soon as the Claim Period commences; (iii) build up the CR's public profile before the Claim Period starts in order to increase likely engagement during the Claim Period and hence take-up during distribution; and (iv) closely monitor the effectiveness of the noticing strategy after implementation and have contingency plans that can be deployed if initial noticing efforts prove less successful than planned.
126. The strategy combines a number of complementary marketing and publicity campaigns, which have been selected based on their relative cost effectiveness for reaching Class Members and include: (i) an updated, dedicated Claim Website (www.cardeliverycharges.com); (ii) the use of partnerships and supporters, including the BVRLA, MoneySavingExpert, Which?, Nectar360, charities, Consumer Voice, and social-media influencers; (iii) earned media, through a multi-channel PR campaign run by Thorndon Partners across the pre-claim, claim and closing phases to secure broadcast, print and online coverage; (iv) owned media across the Claim Website and the claim's social media channels; (v) paid advertising, including paid digital search and SEO via Google; (vi) direct notice to identifiable Class Members already registered with Epiq; and (vii) out-of-home advertising targeted at drivers. A proposed budget for this noticing strategy is set out at Annex 7.

b) Updated, dedicated website

127. To coincide with the filing of the Claim, Epiq launched a dedicated website (www.cardeliverycharges.com), through which Class Members could check their eligibility for the claim and sign up for updates (the *Claim Website*). The Claim Website

has been maintained by Epiq since then and periodically updated to reflect developments in the Claim.

128. It was always intended that the website would be updated once there was more budget to do so. This was confirmed by the Focus Groups which confirmed that the website would benefit from updating. The intention is to make the Class Member experience when making a claim as frictionless as possible, and to inspire confidence that this is a real claim with actual money to distribute.
129. The website is being significantly updated and simplified in advance of the distribution window opening to be more attractive to, and simpler to navigate for, Represented Persons. A rebrand has been undertaken to ensure the website looks and feels authoritative and credible to potential Class Members. (The CR considered updating the website name but decided not to do so as such a name change could cause confusion, increase operational costs, and lose 'search authority' for the website which has accumulated over the last six years.) The language on the website has also been simplified to focus on the imminent compensation, removing a lot of the legal and technical details of the claim itself. This will make it more accessible for eligible Class Members who may not have followed the legal case, and more engaging following criticisms of the previous design by participants in the Engagement Research. Once the Distribution Plan is approved, Epiq and Thorndon will update the Claim Website again to indicate when the distribution window will open and, when it is open, to make it clear that money is immediately available to claim. The updated website will also explain the claim process in clear and accessible language.
130. To illustrate the revised content of the claim website, we have included screenshots of the claim website and the user/experience journey associated with making a claim in the Exhibit DP1/13/505.

c) Collaborations and other forms of assistance

131. Following approval of the Settlements, the CR has worked with the following organisations and individuals to help disseminate information about the Settlements with a view to establishing credibility and trustworthiness, and/or to support with distribution efforts:

- i. **MoneySavingExpert:** To help with Class Member engagement, we have been in contact with the MoneySavingExpert team. This has included direct contact between Mark McLaren and the founder of MoneySavingExpert, Martin Lewis. The site has informed us they intend to cover the story, subject to it passing its rigorous editorial checks and verification. The intention is for MoneySavingExpert to cover this story when the distribution window opens, to alert consumers to their due compensation. This could include potentially featuring on:

- (a) MoneySavingExpert's online outlet;⁵²
- (b) Money Saving Expert's weekly Money Tips newsletter, which goes to 9 million people, and via its app; and
- (c) Potential engagement from Martin Lewis on his social media channels and other associated broadcast outlets.

We note that MoneySavingExpert covered the *Boundary Fares* distribution as part of the re-set of the distribution plan in that case, leading to a significant increase in the distribution levels. It also led to a secondary spike in coverage including other news sources such as The Times, Sunday Times (print), and The Metro. We will be alerting consumer journalists when the news is covered in MSE to encourage a similar wave of secondary coverage.

- ii. **Which?:** Which? reaches nearly 18 million users annually across its website and social platforms (2024/25 figures), has 3.2 million signed up to receive newsletters (as at year end 2024/25) and over half a million paying subscribers, providing access to a large, engaged consumer audience. Which? intends to support the distribution by publicising it through appropriate owned channels.⁵³

⁵² MoneySavingExpert, available at: <https://www.moneysavingexpert.com/> (accessed 10 July 2026).

⁵³ The figures are from the Which? 2024/2025 Annual Report, available at: <https://media.product.which.co.uk/prod/files/file/gm-1ece30e6-0c1d-4839-85ff-dc37544931ae-ar-2025-1.pdf>.

- iii. **Nectar:** The CR's team has agreed in principle to partner with Nectar to allow Class Members to elect to receive compensation in the form of loyalty points. Nectar is the UK's largest coalition loyalty programme, with 24 million customers and over 500 brands included as partners. Information on the Settlements will be featured on the Nectar app and website. The CR considers that the Nectar collaboration will not only provide significant customer reach through these channels but will also lend credibility to the distribution by its association with a trusted consumer brand. The ability of consumers to elect to receive monies via loyalty points also increases payment options for those unwilling to provide bank details and/or may provide Class Members with additional benefits, such as conversion into airmiles or use in promotions that can increase their value beyond the direct cash purchase rate. The CR hopes exploring loyalty scheme collaborations in this distribution can act as a test of the concept for use in future claims.
- iv. **Motability:** Motability Operations Limited agreed to notify its customers who are Class Members about the distribution directly. We will work with Motability Operations Limited first to identify its customers who are Class Members. This identification will take place through seeking to match DVLA data on the Motability fleet (which the CR holds) with Motability's internal records. Motability Operations Limited then intends to contact its Class Members directly, notifying them of the distribution opportunity, and directing them to sign up. The CR intends to include a bespoke information and sign-up page for Motability customers on its website.
- v. **The BVRLA:** As noted above, the CR is in touch with the BVRLA to publicise the claim amongst its members. The BVRLA describes itself on its website as follows: *"The British Vehicle Rental and Leasing Association (BVRLA) represents 1,000 companies engaged in vehicle rental, leasing and fleet management. Our membership is responsible for a combined fleet of 4.55 million cars, vans and trucks – one-in-ten cars, one-in-six vans, and one-in-six trucks on UK roads"*.⁵⁴ In addition to the BVRLA's weekly newsletter in which the Claim has recently been publicised,⁵⁵

⁵⁴ 'Who we are', BVRLA website, available at: <https://www.bvrla.co.uk/home/discover> (last accessed on 7 July 2026).

⁵⁵ BVRLA News, *Historic price fixing by shipping firms: compensation for vehicle users*, 12 May 2026: <https://www.bvrla.co.uk/home/discover/news-and-analysis/historic-price-fixing-by-shipping-firms-compensation-for-vehicle-users> (last accessed on 10 July 2026).

the BVRLA has various further communication channels with its members and with the motor industry in general. There is a LinkedIn page, as well as webinars, podcasts and motor related blogs. The BVRLA can also facilitate direct outreach through email to its members. This will allow us to draft tailored messages to potential claimants based on their fleet size, and therefore their expected compensation. We will also be able to inform DVLA-registered fleets of the simplified claims process through the BVRLA. The BVRLA is also investigating the possibility of publicity at their Q4 2026 flagship event which will allow in-person promotion of the claims process to our target audience. The BVRLA has agreed to use these channels to assist the CR with raising awareness.

- vi. **Local Government Association (LGA):** The CR and his team have been in contact with the LGA, which is the national membership body for councils in England. The LGA has agreed to help the CR raise awareness of the Settlement amongst its members by directly contacting those local authorities understood to be Class Members (based on the DVLA data) and to guide them through the claim process once distribution has commenced. The relevant local authorities who have registered on the Claim website are included in the list of engaged Class Members at Annex 2. The total list of expected affected county councils is included at Annex 3.
- vii. **The AtJF and Citizens Advice:** The CR and his team have been in touch with the AtJF, which is the designated charity for the distribution, including discussions between Mr McLaren and the AtJF CEO. Not only is the AtJF the designated charity, but the CR wishes to include it as a payment option for Class Members to donate their entitlements to when signing up to the distribution in lieu of receiving any payment themselves. In exchange, the AtJF intends to liaise with its partners at Citizens Advice to publicise the distribution to those who seek services from Citizens Advice. Citizens Advice describes how in 2024-2025 it helped 2.71 million people through its 1,900 locations across England, Wales, and the Channel Islands.⁵⁶
- viii. **Macmillan:** Agreement, in principle, has been reached with Macmillan. Whilst Macmillan will not directly notify their subscribers and donors due to General Data

⁵⁶ 'We are Citizens Advice, we are the people's champion', Citizens Advice website, available at: <https://www.citizensadvice.org.uk/about-us/information/what-we-do/> (last accessed on 7 July 2026).

Protection Regulation (**GDPR**) concerns, they will permit use of their logo and branding to promote the distribution and will publicise the distribution on their website and social media. Their X (formerly Twitter) account has over 600,000 followers and their Facebook account over 1.1 million followers. For the avoidance of doubt, this does not mean that Macmillan will become a designated charity for the purposes of undistributed damages; payment can only be made to Macmillan of distributed damages by Class Members.

132. Furthermore, the CR has engaged with the DBIST to raise awareness of this distribution. While the DBIST has a completely neutral stance towards any litigation, it has assisted in discussions with the [REDACTED] regarding the [REDACTED] [REDACTED] and notified the [REDACTED] regarding the claims by [REDACTED] ([REDACTED]).

d) Earned media

133. Earned media refers to publicity or coverage of the Settlements that will be gained organically, without being paid for, through press coverage, word-of-mouth referrals, social media shares, reviews and mentions by influencers or journalists.
134. Thorndon Partners has formulated the following plan for a multi-channel strategy approach to gaining earned media. This includes activities in advance of and throughout the Claim Period. Using insights from Survey 2, Thorndon has formulated the targeted approaches outlined below, which will be implemented for both consumers and corporate entities to seek to maximise the coverage in earned media. Earned media will be an essential part of the noticing plan to increase awareness of the Settlements, but also in building trust and credibility around the claim process amongst Class Members.
135. The results from Surveys 1 and 2 demonstrate that awareness of the Settlements are currently low among Class Members, which will act as a barrier to take-up once the Claim Period begins unless steps are taken before then to address this issue. Therefore, Thorndon has developed a plan to secure earned media prior to the Claim Period commencing to establish a strong base level of awareness of the Settlements and the CR. Securing earned media during this phase will mean that, once the claim period

commences, Class Members will be more likely both to recognise and to trust the CR and the claim process.

136. Thorndon's planned activities during the pre-claim phase include the following:

- i. Pre-briefing contacts across television, radio broadcast shows, podcasts, online media interviews, and pitching the CR for interviews and background briefings with priority national and automotive trade news outlets, with the aim of securing feature pieces;
- ii. Circulating a press release prior to the distribution window opening, announcing a 'call-to-action' with the initial details for the compensation. The aim of this 'call-to-action' is to secure coverage for the target audience who have followed the claim closely, in particular, the Corporate Entities. The news will alert them that the distribution will be opening soon, and call individuals to sign up to the website in advance of the main launch;
- iii. Seeking to amplify any secured coverage further in targeted online channels that reach Class Members, including through organic social media mentions, shares and reposts by third parties and engagement in online forums – including Car Talk Community⁵⁷, Mumsnet car thread⁵⁸, the Ford Owners' Club⁵⁹, UK Volkswagen Forum⁶⁰, as well as the social media accounts of UK media outlets following the securing of news coverage.

137. The coverage secured in the pre-claim phase will familiarise Class Members with the CR such that when he announces the claim process, he is a recognisable figure.

138. Turning to the distribution window phase, Thorndon's planned activities include:

- i. Thorndon will use the beginning of the claim process as a major 'news moment' to secure further earned media coverage. A press release will be issued by Thorndon to national and target outlets to reach Class Members. This will include automotive and fleet press as well as consumer-focused news outlets and reporters. The release will

⁵⁷ Car Talk Community, available at: <https://community.cartalk.com/> (accessed 10 July 2026).

⁵⁸ Mumsnet Talk, 'Cars', available at: <https://www.mumsnet.com/talk/cars> (accessed 10 July 2026).

⁵⁹ Ford Owners Club Forum, available at: <https://www.fordownersclub.com/forums/> (accessed 10 July 2026).

⁶⁰ Volkswagen Forum UK, available at: <https://www.volkswagenforum.co.uk/> (accessed 10 July 2026).

be disseminated to both online and broadcast media throughout the UK. The proposed online and broadcast media to be used for this purpose include: BBC News (broadcast and online), ITV, LBC (broadcast and online), The Guardian, Sky News, Daily Mail, The Sun, The Times, Fleet News, Autotrader, Autocar, What Car?, and Fleet World.

- ii. Thorndon will also distribute the press release to a number of independent journalists who have large UK followings on social media to secure coverage on targeted channels. Target journalists have been selected using the insights from Survey 2 to ensure Class Members are likely to engage with those social media channels.
 - iii. Thorndon also plan to leverage the announcement of the claim process by securing more feature interviews across broadcast and written publications throughout the claiming phase. This will include securing MSE coverage, which is likely to lead to a further round of media coverage due to consumer journalists following Martin Lewis closely and reporting on his recommendations. Other targets for feature interviews include The Guardian and LBC.
 - iv. Towards the end of the claim process, Thorndon will distribute another press release to gain earned media by leveraging the end of the claim period, such as the ‘one month from the distribution window closing’ milestone. This step is designed to galvanise an additional round of media coverage and thereby encourage any final Class Members to claim from the Settlements.
139. Supporting the above approaches, Thorndon will also aim to secure ad hoc mentions of the Settlements in relevant media articles. Thorndon will monitor for relevant stories that provide opportunities to mention the case in articles. Depending on the story, Thorndon will also use such coverage as an opportunity to pitch more feature pieces to journalists.
140. All efforts to secure earned media will be undertaken with the core objective of driving traffic to the claim website and, ultimately, ensuring Class Members claim from the Settlements.

e) Owned media

141. The CR's noticing and communications plan also includes the use of owned media. Owned media is content created by Thorndon on platforms administered by Epiq, including the Claim Website and supporting communications channels, such as the claim's dedicated social media pages (LinkedIn, Facebook, and X). The Claim Website will operate as the 'hub' for the distribution, housing the claim form, FAQs, contact methods, important documents such as Orders, Judgments and Notices, and explanatory information about the distribution process.
142. As described at paragraphs 125-130 above, the Claim Website will be regularly updated to reflect the latest news and press coverage, as well as any developments in the distribution process. In addition, the Claim Website will be optimised to reflect the analysis of data collected whilst Class Members engage with the website.
143. Owned social media channels will be used to disseminate consistent and factual information about the distribution process and direct viewers to the Claim Website through clear calls to action, thereby providing a structured pathway from awareness to participation. Content such as articles and interviews will be deployed on a regular basis to maintain awareness and ensure continued visibility of the Settlements among the relevant audience. In addition, the use of tagging will enhance visibility and engagement with the target audience, alongside posting content in targeted online communities and forums (such as those mentioned at paragraphs 111 and 136 above) used by the relevant category of Class Members.

f) Paid advertising

144. The CR also plans to use paid advertising to place promotional content in online automotive publications and social media platforms selected as most relevant to the demographic of the Class Members. This advertising will be targeted at demographics most likely to be in the Class, using the proprietary data gathered through Surveys 1 and 2. Paid advertising will seek to ensure potential Class Members repeatedly see content on the distribution and are driven towards the claim form and website.
145. This paid advertising will be guided by personas built from the survey data to reach audiences who are most likely to fall within the definition of the Class. These personas will map survey-identified traits onto native platform options (such as demographic, interest, and behavioural parameters) to deliver content to individuals who may not be

actively searching for information about the claim. The strategy will focus on reaching relevant audiences through factual, consistent content across digital platforms – including targeted campaigns on Facebook, and LinkedIn – supported by readership-aligned placements in relevant printed publications. The campaign will remain compliant with and alive to any ongoing regulatory changes to online advertising on relevant platforms.

146. Social media graphics will be created aligned with the refreshed brand for the claim. All social media posts will be “A/B” tested. “A/B” testing means that posts will be published in two very similar, but slightly different, formats to understand what drives engagement most with the target audience. The best performing content (defined by what drives users to the website) will thereafter be promoted.
147. The campaign will also employ content ‘refreshes’. This means that new social media content will be produced throughout the campaign lifecycle of six-months to mitigate against audience fatigue.
148. Minimal paid advertising will also be placed in online automotive outlets, such as AM-Online. The content created for these adverts will also be aligned with the new website brand and social media graphics. These will be evaluated as with the social media adverts, based on website engagement.
149. Performance of paid advertising will be subject to ongoing monitoring and optimisation. Analytics and tracking tools will be utilised to assess engagement, refine targeting, and improve overall campaign effectiveness for the duration of the campaign.

g) Paid digital search and search engine optimisation

150. In addition to the above sources of media, which are intended to generate increased awareness of the distribution, Epiq will also engage in paid digital search (predominantly via Google Search) as well as search engine optimisation (*SEO*) and answer engine optimisation (*AEO*) to ensure that the Claim Website appears near the top of search listings and/or appears in search engine AI summaries. Paid digital search refers to the practice of paying search engine operators to ensure that the Claim Website appears in search results for specific keywords. SEO refers to the practice of improving the Claim Website so that it appears higher in the search results for relevant keywords organically

and without paying per click. AEO is the practice of formatting and structuring content so it is selected and quoted directly by AI chatbots, voice assistants and zero-click search. The CR has worked with Epiq and Thorndon to identify keywords and search terms that can be used to direct Class Members to the Claim Website through paid digital search or SEO.⁶¹

h) Engaged Class Members

151. Engaged Class Members who have signed up through the Claim Website or have otherwise informed the CR that they wish to be kept informed about developments in the distribution process, will be updated on the likely timing and claim process once the Distribution Plan is approved.

i) Court notification

152. One of the issues facing any collective action is the question of the legitimacy of distribution opportunity. As a new regime, it is important that Class Members understand and appreciate that the opportunity is legitimate. As part of this, the CR will use the new ‘Notices of Damages Awards and Settlements’ page on the Competition Appeal Tribunal website⁶² as a means of confirming to Class Members that the distribution opportunity is legitimate. This will include the publishing by the Tribunal of (i) an order annexing a non-confidential version of this Distribution Plan in its approved form and (ii) a notice confirming the approval of the Distribution Plan. The CR can then link to the Tribunal’s webpage(s) on the CR’s own website and in communications with Class Members to address any concerns regarding legitimacy.

j) Noticing monitoring and revision

153. As explained in further detail at paragraphs 125-140 above, the CR and its advisers will closely monitor the impact of the noticing plan outlined above with a view to adapting

⁶¹ As noted throughout the distribution plan, the strategy will constantly be optimised for results. These keywords in particular are subject to change pending the most relevant search queries at the time the distribution window is opened. Nonetheless, an indicative list of keywords includes ‘car delivery compensation’, ‘vehicle delivery’, ‘fleet management discount’, ‘car shipping compensation’, and ‘[brand] compensation’. These terms have been selected both for the likelihood that PCMs will search for them, as well as the relative lack of competing search advertisements that have been placed on them.

⁶² Available at: <https://www.catribunal.org.uk/13397720-mark-mclaren-class-representative-limited-v-mol-europe-africa-ltd-and-others>.

the publicity strategy should take-up rates be lower than expected. The CR's advisers will review take-up rates and internally report on the effectiveness of each noticing provision on a weekly basis and make changes to messaging, approach and media channels used accordingly. Potential means of pivoting the outreach can include (i) starting to use out-of-home advertising, which – for cost reasons – is not otherwise proposed to be used; (ii) the use of influencers; and (iii) focusing on those aspects of the outreach which have appeared to be successful. The CR will provide monthly reports to the Tribunal on metrics regarding the distribution (to the extent that the relevant data are available at the point of preparing the report), including:

- i. the total number of claims submitted by Class Members, broken down by Consumers (and, within that category, by both non-Motability and Motability) and by Corporates (and, within that category, by both Fleets and non-Fleets);
- ii. the total amount of money distributed to Class Members, broken down by the aforementioned categories;
- iii. the total number of invalid claims submitted, broken down by the aforementioned categories; the bases on which such claims were held to be invalid (with the relevant number of claims rejected on each such basis); and any recurring or significant concerns expressed by Class Members regarding the CR's reasons for rejecting claims as invalid;
- iv. the total number of claims started but not concluded, broken down by the aforementioned categories; and, to the extent verifiable, at what point the claims were abandoned;
- v. an update on any fraudulent activity detected, including where such activity has been identified and any emerging patterns of the types of fraudulent conduct;
- vi. a breakdown showing which compensation methods have been selected by Class Members, with a further breakdown showing which methods have been selected by which of the aforementioned categories of Class Member;

- vii. a breakdown showing from what sources Class Members accessed the Claim website (to the extent verifiable), with a further breakdown showing which sources have been used by which of the aforementioned categories of Class Member;
- viii. the total amount of money distributed to Class Members, broken down by the aforementioned categories of Class Member (and, relatedly, the total amount of money remaining available for distribution);
- ix. any other factors which appear to be significantly driving take-up (or lack thereof); and
- x. the amount of money spent on the costs of distribution as at the relevant date of each monthly report.

The monthly report will be in the form of a statement or letter by the CR's solicitor with carriage of the distribution. After the CR has submitted its third monthly report, i.e., after three full months of the distribution process have elapsed, there will be a short hearing before the Tribunal to discuss the progress in and status of the distribution to that point (the *Mid-Point Hearing*).

VII. PROPOSED COMPENSATION AMOUNTS PER VEHICLE AND ANTICIPATED DISTRIBUTION AMOUNTS

a) Introduction

154. The CR has carefully considered proposed compensation amounts, given the results of Survey 2 (discussed at Section V above), which note how compensation levels are key to Class Member take-up. The CR's proposals in this regard are based on those factors and lessons learned from the *Boundary Fares* distribution, guidance from the *Merricks* matter, and the experience of engaging with Class Members in producing this Distribution Plan. It is important to note when considering distribution that the Settlements provide one fixed Total Distribution Sum (£55.87m) plus two levers which can be adjusted in estimating distribution: (i) the amounts of per vehicle compensation under the distribution structure; and (ii) levels of take-up among different groups of eligible Class Members. If one increases the per vehicle amounts offered, and/or increases estimated take-up by (groups of) Class Members, this impacts the estimates of how much will be claimed for distribution in total by Class Members from the Total Distribution Sum.
155. In this section, we (i) provide context on the losses presumed and the legal framework dictating compensation amounts; (ii) explain the estimated take-up amounts for four key categories of Class Members – Consumers (non-Motability), Motability customers, Fleets, and Businesses – and how these may be affected; (iii) propose per vehicle compensation amounts based on estimated take-up and how much that would amount to in distribution; and (iv) address what happens if the distribution is higher or significantly lower than the estimated levels.

b) Losses suffered and legal framework

156. As explained at paragraph 15 above, Ankura's calculations of the estimated average overcharge per vehicle, if the CR were to have been awarded its total claim value at trial, differs between consumers and corporate entities: £12.47 per vehicle for Consumers, and £5.03 per vehicle for Corporate Entities. Pro-rating these figures downwards to reflect the proportion of total claim value recovered in the Total Settlement Pot results in figures of £5.36 per vehicle for Consumers and £2.16 for Corporate Entities.

157. In light of the issues identified in Section V on the factors affecting take-up, the CR is mindful that Class Members are unlikely to be incentivised to complete a claim for settlement amounts as low as £5.36 or £2.16 per vehicle without more, especially as most Class Members will be claiming for only one vehicle.
158. A similar issue was addressed by the Tribunal in the CSAO judgment in *Merricks v Mastercard Inc* [2025] CAT 28 (*Merricks CSAO*) (DP2/1/3-82), in which the CR raised concerns that the per capita division of settlement sums (amounting to £4.50 per class member) would lead to a very low take-up and instead proposed that each class member be offered £45. This higher sum was proposed as “*an appropriate modest sum given the low aggregate amount obtained for the class, but an amount that is likely to be sufficiently high to attract a take-up of at least 5% and thus to be achievable out of the total recovery*”. As the Tribunal noted in paragraph 129 of the *Merricks CSAO* by reference to *Mastercard Inc v Merricks* [2020] UKSC 51: “*There is no one right answer in these circumstances regarding the amount to be offered to each CM. In Merricks SC the Supreme Court held that the compensatory principle is radically modified in collective proceedings when aggregate damages are awarded, and that applies to the distribution of those damages. As Lord Briggs stated at [58], the only requirement is that the distribution should be fair and reasonable*” (DP2/1/54). The £45 per class member was approved in that case on the basis that it was a reasonable and fair amount in the circumstances.
159. In the MOL/NYK CSAO Judgment the Tribunal stated:
- i. Paragraph 144: “*When it comes to the distribution plan, alternatives should also be considered, but the Tribunal would want to know a range of the estimated actual loss per vehicle (looking at the various different types of vehicles which will vary in price considerably). Simply dividing the sums potentially available to class members by the number of vehicles is unlikely to be acceptable.*”⁶³ (DP1/5/131)
 - ii. Paragraph 150: “*the evidence demonstrates both the substantial uncertainty inherent in forecasting participation rates and the importance of the CR’s forthcoming distribution plan. The Tribunal will therefore expect the CR’s final proposal to be*

⁶³ Note, as described at paragraph 13 above, the list price of the vehicle does not influence the overcharge per vehicle.

supported by a clear methodology, informed by the results of Survey Phase 2, and designed to maximise participation by both consumers and businesses.” (DP1/5/133)

160. More generally, the CR has considered multiple possible permutations and assumptions further to inform its proposal on per vehicle compensation amounts, as well as to see whether it can be refined in light of progress in the CR’s attempts to make identified distribution channels more effective. In the following sub-section, we address estimated take-up. In particular, the CR has run a number of calculations to see what claims would be made against the Total Distribution Sum, at different plausible levels of uptake by different groups of Class Members, and at different proposed amounts for the first and subsequent vehicles. The CR has included some illustrative permutations in Annex 5, mindful of the need to balance (i) the risk of a lower than desired amount being distributed directly to Class Members (noting the minimum up to which the damages are guaranteed alternatively to be distributed *cy-pres* to charity), against (ii) the risk of the Total Distribution Sum being exhausted without being able to satisfy all legitimate claims.

c) Estimated take-up

161. As described above in section II, the Class comprises two broad Categories: (i) Consumers and (ii) Corporate Entities. Within each category, there are two sub-categories:

- i. **Consumers:** (a) non-Motability consumers and (b) Motability consumers;
- ii. **Corporate Entities:** (a) Fleets, as self-registered with the DVLA, and (b) businesses who do not self-register as Fleets with the DVLA.

162. Within each broad category, the main distinction between the sub-categories relates to the available evidence and ease of claiming and/or being notified of the distribution:

- i. **Fleets:** For Fleets, as described above, the CR has been able to obtain DVLA data which confirms their vehicle purchases including brands and their company name. We can obtain further information on the company through Companies House and firm websites, and this typically includes contact details for the company. The only information we do not have available is the proportion of vehicles which they

purchased for their own use (as per the Class Definition) and not for onwards leasing. We have contacted the largest Fleets to inform them of the distribution and received a positive response. This includes car rental companies who purchased hundreds of thousands of cars and have been in repeat contact with us about the distribution. Such positive response was before we knew that we could reduce the evidential burden. In light of Fleets' typically larger claim sizes, the ability to identify and contact them, and the lower evidential requirement to verify Fleets' claims. In light of Fleets' typically larger claim sizes, the ability to identify and contact them, and the lower evidential requirement, we expect high take-up by Fleets. In the permutations outlined in Annex 5, we include estimates of take-up for Fleets of 50%, 75% and 90%.

ii. **Motability customers:** For Motability, which itself registers as a Fleet with DVLA, we have information on the number of vehicles including brands. We do not have DVLA information including Motability customers' names or contact details, but this is information which Motability itself holds. As noted above, Motability has agreed to matching the information we have from the DVLA with their internal records to identify its customers who are Class Members and then to contacting its customers directly. We therefore expect high take-up by Motability customers. In the permutations outlined in Annex 5, we include estimates of take-up for Motability customers of 25%, 60%, and 75%.

iii. **Consumers (non-Motability) and businesses:** For consumers (non-Motability) and businesses, we do not have their contact details, any data on their purchases, and are therefore reliant on the noticing campaign. While we expect the noticing campaign and innovations (e.g. Nectar, distribution amounts to charity, simpler claim process and statement of truth) to increase take-up beyond that in *Boundary Fares*, the CR is realistic that take-up amongst these categories in what is likely to be only the second such distribution in the UK may remain relatively low. In the permutations outlined in Annex 5, we include estimates of take-up for consumers (non-Motability) of 2.5%, 5%, and 10% and for businesses of 5%, 10%, and 15%.

163. We have taken these estimates into account in proposing per vehicle compensation amounts. Our assumption is that the middle scenario is most plausible for each group, that is – 5% for consumers (non-Motability), 60% for Motability customers, 75% for

Fleets (especially given the larger Fleets by volume will likely sign up), and 10% for businesses.

d) Per vehicle amounts

164. The CR proposes to allocate a higher settlement amount in respect of the initial vehicle for which a claim is made, to entice those who only leased or purchased one vehicle to come forward. In other words, there will be an ‘introductory offer’ of a higher amount of £25 for the first vehicle to incentivise take-up. As explained at paragraph 15 above, the Tribunal considers the appropriate point of comparison is with the per vehicle amounts derived from the total aggregate damages claimed at trial. An alternative point of comparison is with the pro-rated per vehicle amounts, calculated by discounting to reflect the difference between the total amount claimed at trial and the total amount secured through the collective settlements with all the Defendant groups. The £25 figure for the first vehicle is higher than any of the per vehicle amounts calculated on either basis. Indeed, a £25 payment for the first vehicle is an amount several times higher than the claimed per consumer overcharge pro-rated against the Total Settlement Pot. After the initial vehicle’s ‘introductory offer’, the distribution amount will be £5 for the second to sixth vehicles to reflect an amount closer to the pro-rated per vehicle overcharge for consumers (£5.36). For vehicles 7+, the per vehicle amount will go to £2.50 to reflect an amount closer to the pro-rated per vehicle overcharge for Corporate Entities (£2.16).⁶⁴ The distribution amounts in this permutation are shown at Tables A1-3 of Annex 5.

165. The medium take-up assumption is as per the below:

Table A1: £25, £5, £2.50 medium take-up – recommended approach

⁶⁴ The CR does not consider there should be differentiation between brands of vehicles given the additional complexity and confusion it would cause (and we refer in this regard to paragraph 13 above, where it is explained why a more expensive car will not necessarily have a higher overcharge).

	Consumers (non- Motability)	Motability consumers	Fleets	Businesses
Vehicle 1	£25.00	£25.00	£25.00	£25.00
Vehicle 2-6	£5.00	£5.00	£5.00	£5.00
Vehicle 7+	£2.50	£2.50	£2.50	£2.50
Take up	5%	60%	75%	10%
Total	£53.968m			

166. We have considered a number of other permutations of uptake and compensation levels / structures. We set out some illustrative examples in Annex 5.⁶⁵ These all stick with £25 as an introductory amount. That figure is £5 above the mean acceptable amount as per the survey evidence. Beyond that figure we have considered other permutations such as: the exact pro-rated compensation amounts of £5.36 for vehicles 2-6 and £2.16 for vehicles 7+;⁶⁶ and £10 for vehicles 2-6 and £2 for vehicles 7+. The medium distribution estimates for these structures would be as follows:

167. **Table B1: £25, £5.36, £2.16 medium take-up**

⁶⁵ The CR and its team have considered so many permutations that it would not be proportionate to set them all out exhaustively in Annex 6. However, if the Tribunal would like to see the output figures for any other combinations of distribution assumptions / structures, then the CR would be happy to provide them.

⁶⁶ Although the CR understands it is preferable to keep the offer to consumers as simple and intelligible as possible.

	Consumers (non- Motability)	Motability consumers	Fleets	Businesses
Vehicle 1	£25.00	£25.00	£25.00	£25.00
Vehicle 2-6	£5.36	£5.36	£5.36	£5.36
Vehicle 7+	£2.16	£2.16	£2.16	£2.16
Take up	5%	60%	75%	10%
Total	£51.953m			

Table C1: £25, £10, £2 medium take-up

	Consumers (non- Motability)	Motability consumers	Fleets	Businesses
Vehicle 1	£25.00	£25.00	£25.00	£25.00
Vehicle 2-6	£10	£10	£10	£10
Vehicle 7+	£2	£2	£2	£2
Take up	5%	60%	75%	10%
Total	£54.960m			

168. Naturally, the CR is open to considering all the above options as alternative distribution structures. The main pitfalls the CR has been keen to avoid include: (i) any structure that is too complicated to explain simply and intelligibly to consumers, as this would risk putting them off making a claim (mindful, e.g., of Mr Burnett’s feedback that the three-pot structure was off-putting to prospective participants in the *Boundary Fares* distribution); (ii) any structure that discriminates arbitrarily between Class Members who are otherwise in a comparable position; and (iii) any structure that creates situations where a claim for *more* vehicles could produce a *lower* payment.

e) What happens if take-up is higher or significantly lower than expectations

169. By way of reminder, the Total Damages Pot is £55.87 million. The CR’s estimates have been prepared with that figure in mind. However, given that there has been a sole distribution precedent in this jurisdiction, it is inherently difficult to predict what take-up will be.

170. To the extent that take-up is greater than expected, the CR proposes that the total amounts should be offered on a ‘first come, first served’ basis so that the settlement ends once the Total Damages Pot is exhausted. This will be emphasised in the notice to Class Members and the noticing and communications process generally. This ‘first come, first served’ basis is the necessary result of the fact that the CR would like to offer an amount high enough to incentivise Class Members to sign up, even if that means overcompensating those who do come forward. The CR’s take-up estimates and proposed structures seek to strike a balance that distributes as much of the Total Damages Pot as possible without introducing too high a risk of it being exhausted, but the degree of uncertainty means there remains a risk that the pot may be exhausted before all valid claims can be satisfied at the adopted offer levels. The amounts remaining in the Total Damages Pot would be monitored daily to determine whether the pot is close to exhaustion and to ensure sufficient lead time to process claims submitted on time.

171. If take-up is lower than expected, the AtJF is entitled to any undistributed amounts up to the Guaranteed Damages Sum, whereas the Additional / Deferred Damages Sums beyond that are allocated to different stakeholders or reversion (or equivalent) structures under the different Settlement contracts). However, if take-up is significantly lower than expected, there is the possibility of a further ‘top-up’ distribution. Such ‘top-up’

distribution would involve the CR preparing a model for a further distribution to those who have already signed up in respect of seven or more vehicles, increasing the £2.50 per-vehicle compensation for each of the seventh and further vehicles, to up to £5 per vehicle (i.e., the further distribution would involve a top-up payment for each such vehicle of up to a further £2.50 per vehicle). As confirmed by the Tribunal at the Distribution Plan Approval Hearing, the costs of any such further distribution, for which allowance has not been made in the distribution budget estimates to date, would have to be borne from the undistributed damages in priority to the top-up. Whether such a top-up distribution is appropriate (in particular having regard to the costs of effecting such a distribution) and, if so, what form it should take will be discussed at the Mid-Point Hearing.

172. We note that there is an alternative approach which avoids over- and under-estimation of take-up. This approach would involve (i) not specifying an amount for Class Members per vehicle upfront; and (ii) not paying out any damages to registrants until after the registration period had closed; but instead; (iii) calculating the total number of registrants for distribution at the end of the registration period and then allocating the available sum proportionately among those registrants. The benefit of this model is that the total amount can be agreed to be paid out. The downsides are that it would be more complicated for PR and noticing messaging (and likely more costly to administer), it was not provided for in the Settlements, and it may hinder take-up by appearing less attractive to Class Members. On the latter point:
- i. The Thorndon General Research indicated that people are generally more likely to come forward for a known compensation amount than an unknown compensation amount (but less likely if it is less than £10) (DP1/11/454).
 - ii. To avoid the compensation offer being completely unspecified, it may be possible to present a range of what people might get, depending on how much uptake there is. In Survey 2, Thorndon ran an extension of the iterative bidding experiment to test the effect of presenting compensation as a range instead of a specific value. Participants in both surveys were asked how likely they would be to still submit a claim in a scenario where, instead of guaranteeing their accepted value from the experiment, they were offered anywhere between £[value - 10] and £[value + 10].

- iii. In both the consumer and fleet manager surveys, approximately 82% of respondents would be either somewhat likely or very likely to still make a claim when compensation is shown as a range. However, approximately 12% of respondents in both groups would be either somewhat unlikely or very unlikely to still claim when offered a range instead of a guaranteed amount.
 - iv. As explained at paragraph 89 above, some consumer focus group respondents expressed distrust when potential compensation was presented as a range, with one potential Class Member saying it seemed "*tricky and scammy*".
 - v. A further concern was that consumers who had purchased lower-cost vehicles felt they were unlikely to receive anything close to the maximum compensation figure. Respondents instinctively (and incorrectly) expected compensation to be tied to the value of their car, and therefore believed they would receive at the lower end of a range
173. For the above reasons, the CR will proceed with confirmed amounts and, in particular, the recommended approach set out at Table A1 above. This can be supplemented, if and insofar as appropriate, by a 'top-up' distribution, which will be considered at the Mid-Point Hearing.

VIII. MECHANICS OF CLAIMS ADMINISTRATION

a) Introduction

174. This Section explains the methodology developed by the CR and Epiq for Class Members to actually obtain the money. It explains (i) the process of making a claim via the Claim Website; (ii) the evidence required to prove their claim which will differ according to the number of vehicles owned/leased; (iii) proposals for claim validation and fraud prevention; (iv) payment channels through which claimed sums are to be distributed (i.e. bank transfer, voucher or donation); (v) suggested length of time given to Class Members to make a claim (*Claim Period*); and (vi) the process for calculating and donating any undistributed sums.

b) Claim Process

175. Taking into account the learnings summarised in Section V above, the CR intends to make the claims process as frictionless as possible, while ensuring that fraudulent claims are prevented and that the money goes to those who are entitled to it. As noted above, we have included screenshots of the claim website and the user/experience journey associated with making a claim in the Exhibit DP1/13/505.

176. The claim form has been designed and tested as part of the Engagement Research. The form has been designed to improve take-up rates by making the claim process accessible, intuitive, and trustworthy for Class Members. Clear messaging, multi-format availability, and robust accessibility features ensure inclusivity and user-friendliness. A streamlined design, complemented by chatbot assistance and progress tracking, is intended to reduce claim form abandonment and increase completion rates.

177. The claim form will be available online on the Claim Website, as well as in hard-copy paper format on request, with Class Members encouraged to use the online form for efficiency, accuracy and speed of the process. Utilisation of an online claim form allows autofill techniques and logic flows to ensure Class Members complete the sections relevant to their claim.

178. A copy of the claim form is included at Exhibit DP1/3/27-77 to the Distribution Plan and includes the following features:

- i. **Clear, simple messaging:** Using plain language and concise instructions to guide Class Members through the process, avoiding legal jargon where possible.
- ii. **Data capture:** A process to capture sufficient information and/or supporting documentation in one step, and ensuring that the data captured is adequate for completing the damages entitlement calculation.
- iii. **Chatbot assistance:** An integrated AI-powered chatbot to provide instant answers to common questions and guide Class Members through the claim form process.
- iv. **Contact options:** Providing easily accessible contact numbers and email addresses for Class Members who require additional support or have specific queries during the claim form submission process.
- v. **Class Member experience feedback tools:** Implementing feedback mechanisms such as user rating systems to gather insights following completion of the claim process and to continuously improve the claim experience.
- vi. **Progress tracking:** Including a clear progress bar or step-by-step guide to show Class Members where they are in the application process.
- vii. **Save and resume functionality:** Allowing Class Members to save their progress and return to complete the form later, reducing abandonment rates.
- viii. **Mobile optimisation:** Ensuring the claim form is fully responsive and easy to use on mobile devices.

179. To the extent the feedback during the claims process indicates improvements can be made, the CR and his team will endeavour to make those improvements.

c) Evidential requirements

180. The CR recognises that a significant proportion of eligible Class Members will not retain vehicle purchase documentation from as much as 20 years ago. The CR has therefore established a 'light touch' evidence pathway for Class Members with 6 or fewer vehicles, which is likely to encompass the overwhelming majority of Consumers, requiring those Class Members to give details of the brand of vehicle claimed for, supported by a Statement of Truth. This 6-vehicle limit for self-verification of claims has been chosen

on the basis that most Consumers will not have purchased or leased more than 6 vehicles over the Claim Period. This prevents the deterrent effect of imposing a significant evidential burden from excluding a significant portion of the class.

181. In this regard, we refer to paragraph 81 of the judgment in [2024] CAT 32 in *Boundary Fares*, where the Tribunal stated: “*The priority must, in terms of compensation, be to ensure that any valid claims are met under a plan that is well advertised and is user friendly such that it encourages and does not deter claims. But what is a valid claim? It is a genuine claim. A claim may be genuine even if it only has the statement of a class member in support*” (DP2/7/283). In *Boundary Fares* the Tribunal accepted self-verification up to £30. We consider that it would be more appropriate here to have self-verification up to 6 Affected Vehicles, i.e., £50 if the initial amount is £25 and the amount for vehicles 2 to 6 is £5 per vehicle. This will reduce friction for Class Members. To prevent fraud, Epiq will carry out a range of claim validation checks and employ anti-fraud measures as described in paragraphs 194-195 below.
182. As for the proposed wording of the Statement of Truth, as detailed above, we tested, as part of Survey 2, the extent to which different forms of Statements of Truth may affect the willingness of Class Members to sign up. We tested three forms of Statement of Truth: one that replicates the standard language in CPR Practice Direction 22, paragraph 2.2; one that omits reference to the possibility of contempt of court proceedings; and one that ‘linked out’ to further legal details (including the possibility of contempt proceedings). As noted above, Survey 2 indicates that including the reference to contempt of court does not appear to be a major barrier to the claims process, and the CR and its advisors have taken this into consideration when designing the claim process. Taking into consideration the results indicated by Survey 2, and the need to balance the CR’s concerns, of avoiding an overly severe language that will deter Class Members from making a claim, and at the same time ensuring that Class Members understand the legal rights and responsibilities that submitting a claim entails, we consider that the appropriate wording for the Statement of Truth is the following:

“I believe the facts I have stated in this form are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.”

183. For larger claims of higher aggregate value, it is appropriate to require some evidence beyond self-verification alone. Class Members with 7 or more Affected Vehicles are more likely to be Corporate Entities and thus more likely to have maintained record-keeping processes. On that basis, the CR has considered in depth and gathered survey evidence on what sorts of evidence might be suitable without discouraging participation. As detailed in paragraph 68 above, the Engagement Research and feedback from discussions with Class Members indicate concerns around overly demanding evidential requirements for a claim where relevant events occurred, so long ago, and difficulties in retrieving certain types of records. The CR, therefore, will require Class Members with 7 or more Affected Vehicles to complete a data template setting out details in respect of which they are claiming. Included in Annex 8 are three different versions of the data templates, each of which includes a different level of details required by the entity, providing, in essence, three ‘tracks’ for entities to choose from. For all three tracks Epiq will apply Risk Based Verification, as detailed in paragraph 174 below.

- i. **Full Data Bulk Vehicle Upload:** on a vehicle-by-vehicle basis, the Class Member provides Vehicle Registration Number or Vehicle Identification Number plus model, make and date purchased or date registered during the Claim Period. Additionally, the Class Member can provide vehicle registered address (if that differs from current address) and fleet number (if applicable – where a Fleet Class Member chooses to complete a data template rather than accept claim assessment based on DVLA data).
- ii. **Number of Vehicles Bulk Upload:** where a Class Member can provide total number of vehicles purchased or registered per year during the Claim Period, broken down by model and make. Additionally, the Class Member can provide vehicle registered address (if that differs from current address) and fleet number (if applicable – where a Fleet Class Member chooses to complete a data template rather than accept claim assessment based on DVLA data).
- iii. **Cost Only Bulk Upload:** enabling a Class Member to provide total GBP spend on vehicles purchased or registered per year during the Claim Period, broken down by model and make. Additionally, the Class Member can provide vehicle registered address (if that differs from current address) and Fleet number (if applicable – where a Fleet Class Member chooses to complete a data template rather than accept claim assessment based on DVLA data). Data templates will be available for completion

by Class Members via two avenues to provide flexibility – i.e. either the download of an Excel spreadsheet for completion and upload, or completion via an online form.

To the extent a Class Member has issues with using one of the three available data templates, that Class Member will be able to liaise with the CR's legal representatives and the Claims Administrator. Further, the claim process will require Class Members to submit their email address when first logging on. If a Class Member abandons the claim process, the Claims Administrator can contact that Class Member proactively to ascertain why the Class Member decided not to proceed (as the Class Member will first have to enter its contact details). If the CR is seeing repeated issues with businesses not completing the submission due to the evidential requirements, the CR will revisit the approach. The CR will report on this point in its monthly reports.

184. The CR understands that many of the Corporate Entities will use the DVLA's Fleet database. This Fleet number grants users access to bulk processing, unified document management, and the digital View Vehicle Record system. However, Corporate Entities cannot use their fleet number to access historic vehicle ownership information, only current ownership.
185. The CR's team has liaised with the DVLA to gain access to fleet database information that can be used to extract historic vehicle ownership information to verify a Fleet Class Member's claim. The DVLA has provided the CR with such information for Fleets for the period of 2006-2019. With this information, the CR will be able to verify a Fleet Class Member's claim in the following manner.
186. We would indicate the total number of vehicles recorded for them in the available data and ask them to confirm that matches any available estimates. We would then provide a compensation amount to them based on their estimation. We consider that this process will alleviate many of the concerns raised by Fleet Class Members in relation to them not being able to meet the evidential requirements, whilst validating and valuing their claims based on trusted third-party data. Thus, alleviating the deterring burden of producing historical proof of purchase, as detailed in paragraph 100 above.
187. If a Class Member's estimates do not align with the information from the DVLA, the Class Member can submit its own evidence which will be reviewed by the CR's team.

d) Evidence Verification

188. Given the potentially large number of vehicles attributed to some Class Members which are not registered as Fleets (and thereby cannot avail of the reduced evidential burden), or which do not agree with the DVLA data and wish to submit their own, Epiq propose to undertake the following evidence verification steps where a claim for 7 or more vehicles is made (confidential information is highlighted in green and will be redacted in the non-confidential version):

The diagram illustrates a sequence of 16 horizontal bars. The first bar is black. The next 15 bars are pairs of black and red bars, where the red bar is slightly longer than the black bar. The final bar is black.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

67 This allows the process to remain proportionate while ensuring that claims presenting elevated risk indicators are tested more rigorously. The percentage selection can be adjusted through the Claim Period, taking into account live claims data insights, emerging patterns, and reporting outputs generated.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

194. The CR will, of course, work with the Claims Administrator to monitor the methods of evidence verification and update them to reflect lessons learned from and during the distribution.

e) Fraud Prevention Measures

195. Epiq will employ its [REDACTED] anti-fraud processes to ensure, to the extent possible, that settlement funds are distributed only to valid Class Members. These anti-fraud protections described below use technology, data analysis and manual review to detect suspicious claim activity in different stages of the claim process. These measures are also adaptive, so that controls are updated throughout the claim period as new fraud patterns emerge. As noted above (see paragraph 8 above) the CR treats information relating to fraud prevention methods as confidential, including because making it public risks assisting potential fraudsters in developing ‘workarounds’.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

196. The CR will work with the Claims Administrator to monitor the methods of fraud-prevention and update them to reflect lessons learned from and during the distribution.

f) Distribution window

197. The CR intends to open the distribution window as soon as possible after approval of the Distribution Plan. It is envisaged that the distribution window will open in November

2026. In the event that the CR needs to open the distribution window later, the CR will notify the Tribunal as soon as reasonably practicable of the change. Based on the potential class size and documentation requirements, the CR proposes to maintain an open claims-made period of six months unless otherwise ordered by the Tribunal. While the CR had originally intended to have a shorter distribution window, of four months, feedback from its advisers at Thorndon and Epiq, and lessons learned from the *Boundary Fares* distribution about an overly short window, indicated that a longer window may be preferable. This is because a longer window enables momentum and awareness to build around the distribution. However, the CR would be open to a shorter window if it is the Tribunal's preference. As noted above at paragraph 170, the window will close earlier if the Total Distribution Sum is exhausted and this will be emphasised in noticing to Class Members.

g) Unsuccessful Claims

198. Unsuccessful claims are likely to fall into two categories: (a) those where requested supporting evidence is not provided ([REDACTED]); and (b) those where the claim made does not satisfy the relevant claim validation criteria (for example incomplete paper claim forms or a non-Fleet claim for 7+ vehicles where a data template is not submitted to support the claim). For claims initially failing due to the non-submission of requested evidence, a process will be established to obtain the missing criteria from the Class Member, with warnings about the consequences of not responding and setting clear deadlines in which to provide the missing evidence. Claims that fail to meet the validation criteria will be closed, and a closure confirmation sent to the Class Member explaining why the claim has been rejected. There will be no process for appealing rejected claims, although there will be an opportunity to contact the CR's distribution team to record any issues or concerns. This will be made clear in noticing to Class Members and any recurrent or significant issues will reported on to the Tribunal as appropriate.

h) Data Security and Protection

199. The CR will ensure the security and protection of Class Members' personal information collected and/or processed in the distribution process. Epiq, who will administer and

operate the claim process, will maintain robust and effective data protection measures that comply with the GDPR and which will ensure that information is (i) processed lawfully, fairly, and in a transparent manner; (ii) collected only for explicit and legitimate purposes; (iii) adequate, relevant, and limited to what is necessary, (iv) accurate and kept up to date; and (v) kept in a secure manner and only for as long as necessary. These policies will be made clear on the face of the claim form and Epiq will process any requests from Class Members to exercise their rights under GDPR relating to their personal data, including any objections to processing and erasure requests. Epiq will also implement appropriate technical measures, including access controls, to protect the Class Members' information from unauthorised access, accidental loss, or destruction.

200. Where it is necessary for Class Members' data to be disclosed to third parties involved in the distribution, this will only be done in compliance with the GDPR (and any other applicable data protection legislation), and data-sharing arrangements will be implemented to ensure that such data is subject to the same protections outlined above once it has been shared.

i) Class Member enquiries

201. During the distribution process, information provided to Class Members will be clear, concise and easy to understand, in particular:
- i. Being mindful of learnings from the Engagement Research;
 - ii. Using plain language: striving for clear language free of legal jargon.
 - iii. Supported by the creation of a Frequently Asked Questions (FAQ) section and short video tutorials on the claim website.
 - iv. Always drawing attention to deadlines, fully outlining claim options, and advising Class Members on what to expect next.
202. Class Members will be able to communicate with Epiq for assistance with the claim process and in relation to any queries they have in a number of ways, including via email, telephone support via an Interactive Voice Response (*IVR*) phone line and via an automated conversational assistant (i.e. an AI-powered chatbot). The chatbot is designed to guide Class Members through the claim process by explaining what is being asked of

them at each stage of the form and ensuring the information they provide is complete and accurate by highlighting where information may be missing or appears inconsistent. This allows a Class Member to correct errors before submitting the form to avoid requests for additional information to process the claim. By offering immediate assistance, the chatbot aims to reduce Class Member uncertainty and hesitation, which are common causes of incomplete or abandoned forms. This is particularly relevant where Class Members may otherwise be unsure whether they are eligible to proceed with a claim, as the chatbot provides immediate, automated responses based on the Class Member's queries and inputs.

203. The IVR phone line will also become operational at the start of the claims-made period. This phone recording will provide information about the Claim to Class Members and interested persons. Callers to the phone line will be connected with a voice response unit recorded message that will provide a brief description of the Claim as well as answers to FAQs. Users of the IVR will be able to briefly describe their query before being directed to a pre-recorded answer. We are separately discussing with Motability the use of a Motability-specific IVR for its customer queries.

j) Compensation Payment Methods

204. Consumer Class Members with a valid claim for 6 or fewer vehicles will be able to select their preferred way of receiving compensation out of the following:

- i. PayPal;
- ii. Loyalty points via the Nectar programme;
- iii. Digital Gift Cards/Voucher Schemes;
- iv. Pre-paid cards;
- v. Bank Transfer;
- vi. Donation to Charity.

For the avoidance of doubt, the CR's team will monitor each payment method for fraudulent activity and reserve the right to modify the approach should there be particular concerns.

PayPal

205. A Class Member will be offered the recognisable official PayPal button via which they will be taken to PayPal's secure web portal to authenticate and indicate what they would like done with their funds. This eliminates the need to collect bank account information from Class Members (all that is required is an email address linked to the PayPal account) and offers robust built-in security features that minimise the risk of fraud, such as two-factor authentication and account monitoring to protect against unauthorised access. Additionally, Class Members benefit from a degree of control over funds credited to a PayPal account. They can choose to withdraw the money directly to their bank accounts, use it for online purchases, or transfer it to others within the PayPal network.

Nectar Loyalty Points

206. As noted above, the CR has engaged with Nectar360 to provide Class Members with the option to receive payment in the form of Nectar points that can be used for spending across a range of UK brands and organisations within the Nectar network. Class Members will be offered Nectar points equivalent to the cash values outlined at section VII(d). [REDACTED]

[REDACTED]. Members can spend Nectar points across everyday retail, travel, food & drink, family days out, charitable donations and loyalty currency transfers. The programme offers utility and value for members through points spent at Sainsbury's and Argos, and – of relevance for motorists – Esso petrol stations. Furthermore, points can be spent on everyday rewards such as Uber and Uber Eats, family days out with Merlin Entertainment, and travel opportunities through Avios, Marriott Bonvoy and Eurostar. This flexibility is a key reason Nectar remains one of the UK's most valuable and versatile loyalty currencies. Nectar has agreed to act as a distribution partner for the Settlements, by including details of the distribution on its app and website, allowing Class Members to choose distribution via Nectar points, and providing administrative and customer service support throughout the distribution to those Class Members.

Digital Gift Cards/Voucher Schemes

207. Class Members will have the option of receiving compensation via a One4all Digital Gift Card. This is a form of gift card or voucher that can be spent either in-store or online at

over 180 retailers and in over 50,000 outlets nationwide. The gift card can also be redeemed against services booked through retailers, such as MOTs and vehicle maintenance booked through National Tyres and Autocare (owned by Halfords).

208. When selecting this payment option, a Class Member will receive an email containing a “*Claim My Gift Card*” link, through which they are redirected to the One4all website, where they are asked to create an account. Once an account is created, the Class Member can claim their gift card, which can then be used for purchases. Class Members can also claim their gift card by installing the One4all App on their mobile phone. This process eliminates the need for collecting bank account information, with Class Members able to access their funds immediately upon receiving a digital code, and the way in which digital gift cards are redeemed provides a clear audit trail.

Pre-paid Cards

209. Class Members can also request that their compensation be paid via a digital pre-paid card provided by Mastercard, which can be spent online in the same way as a debit or credit card. When this option is chosen in the Claim Form, the Class Member receives an email with a link to retrieve their pre-paid card. The link directs the Class Member to a website where they are required to enter personal details to generate an activation code. This is then used to set up an online account, through which the virtual card can be viewed and used for payments.

Bank Transfer

210. Epiq has appointed Modulr an established FCA-regulated payment provider for the payment of monies directly to bank accounts.
211. Transfers will be made via Faster Payment Service (**FPS**), either using open banking, or Bank Account Detail Collection.
212. Open Banking uses the FPS and allows for a secure connection to a Class Member’s bank account through Application Programming Interfaces (**APIs**), with the Class Member’s consent. Once connected, a secure payment can be sent directly to the Class Member’s bank account through the open banking provider, ensuring that the payment is subject to all of the bank’s usual security measures. This eliminates the need for traditional

methods like cheques or bank transfers. As at September 2025, 15.16 million people and businesses in the UK had adopted Open Banking. The Open Banking payment process works as follows:

- i. The Class Member selects “*Open Banking*” as the payment option in the Claim Form and is redirected to their own bank’s secure app or website;
- ii. The Class Member logs in directly with their bank and approves a payment request; no bank account numbers or card details are shared with Epiq or need to be submitted in the Claim Form;
- iii. The bank then confirms the Class Member’s identity and authorises the payment using its existing security (i.e. app approval or biometric checks);
- iv. Once approved, the payment is initiated immediately and typically completes within two to three hours.

213. Bank Account Detail Collection: for Class Members who are not signed up to Open Banking but who have selected to receive their funds by bank transfer, bank account details will be collected from the Class member by Epiq’s appointed payment provider and a payment made into their bank account via FPS. FPS is used for everyday domestic transfers in British pounds, including one-off payments and standing orders.

214. For Class Members who are not signed up to Open Banking but who have selected to receive their funds by bank transfer, bank account details will be collected from the Class Member by Epiq’s appointed payment provider’s API and a payment made into their bank account via FPS. FPS is used for everyday domestic transfers in British pounds, including one-off payments and standing orders.

215. For Class Members who are businesses, only the Bank Transfer option (either via Open Banking or Bank Account Details Collection) will be offered, due to the need to ensure that monies directly reach the correct business entity that is the Class Member.

Voluntary Charity Donations by Class Members

216. Rather than receiving individual settlement amounts using any of the options mentioned above, Class Members can also donate their award to the AtJF or Macmillan. The CR selected AtJF as a recipient of voluntary donations given the relationship between the

Opt-Out Regime and access to justice and Macmillan given its wide reach and willingness to participate.

217. As to the inclusion of a donation to charity as a payment option, the CR wishes to clarify:

- i. First, this option does not relate to the donation of undistributed settlement amounts, but Class Members choosing to participate in the distribution and to ‘claim’ their entitlements in the distribution process by donating their distributed amounts to these charities, i.e. as an alternative to payment into a PayPal Account or into a Nectar wallet. It is the equivalent of the Class Member receiving the money as part of the distribution process and then making a donation, but cutting out the step (which is off-putting to some) of having to provide bank details. It is accordingly a voluntary decision by the Class Members and separate to the Tribunal’s designated charity for undistributed damages. The Tribunal exercises supervision over the CR’s election on behalf of Class Members about what to do with damages that are not in the control of any particular Class Member, such that the CR is having to make a decision on behalf of the Class without the Class’s input. That is not the case with offering a ‘Donate to AtJF’ or ‘Donate to Macmillan’ as alternatives to the ‘Pay into my bank account’ option – if the Class Member wanted to receive the cash and then pay it to another charity (or anyone else), they are able to do so.
- ii. Second, Macmillan’s willingness to participate in the distribution is of potential significance and the CR considers this to be a novel and worthwhile mechanism to incorporate into the distribution process. In *Boundary Fares* the possibility of allowing class members to donate all or part of their entitlement for compensation to selected charities was explored, and while 20 UK charities were approached, none decided to participate (see Burnett 2 (DP1/6/168-169) at pages 18-19, where the reasons for their refusal to participate are also detailed). Macmillan’s willingness to participate in such a novel process should therefore be commended.
- iii. Third, Macmillan is a prominent UK charity with significant reach of individuals who may not follow competition law or general consumer developments. Macmillan’s reach is a significant factor in the CR’s choice to collaborate with them – it is a familiar and credible name in UK households and has the potential to assist the CR in its attempt to raise awareness of the claim and the distribution. As detailed above,

whilst Macmillan will not directly notify their subscribers and donors due to GDPR concerns, they will permit use of their logo and branding to promote the distribution and will publicise the distribution on their website and social media. This will also increase credibility for the distribution process, making Class Members less likely to think that the distribution is a scam if it is associated with a reputable household name like Macmillan.

- iv. Fourth, the CR considers that, given the novelty of the distribution process, it is worthwhile exploring various options for distribution, and this is part of this attempt. Proposing Macmillan and AtJF as options for donations by Class Members is a useful test case and will provide new data points for the Tribunal's reference in considering how to structure future distributions, which in addition to being in the interests of the Class should be to the benefit of the regime as a whole.

- 218. When a Class Member elects to donate, the funds will be held in a designated charitable donations sub-account within the settlement fund and transferred to the selected charity or charities at regular intervals or in a single pooled payment at the end of the distribution window.

k) Payment timing

- 219. Class Members will receive payment of settlement sums on a rolling basis and as soon as practicable after their claim has been accepted. This is to help ensure credibility and momentum for the distribution amongst Class Members (i.e., so that they can see the distribution take place after they sign up and hopefully inform others). The timing of payments following a successful claim will depend on the volume of claims being processed, payment option chosen, risk profiling of claim, fraud scoring, third-party checks and evidence verification. Following the close of the distribution window, there may be a period of reconciliation of submitted claims, for example, where there are complications with the claim (e.g.: the initial payment failed or if the claim is subject to regulatory checks). This reconciliation period will be no longer than four months.

l) Undistributed damages

- 220. The CR will notify the Tribunal of any undistributed damages from the Total Damages Pot which have not been claimed in accordance with Rule 93(3)(b) (DP2/5/216). The

CR intends to notify the Tribunal of any undistributed damages within one month of the closure of the distribution window.

221. Any undistributed damages from the Guaranteed Damages Pot will be donated to the AtJF for public benefit. Any undistributed damages from the Additional Damages can be allocated in accordance with the Settlements.

m) Distribution Monitoring and Reporting

222. This plan has been developed by the CR and its advisers with the aim of maximising the take-up rate. However, mindful of the lessons learned from *Boundary Fares*, and as this will be only the second distribution of a settlement under the Opt-Out Regime, the CR will keep the implementation of the plan under close and continuous review. In particular, the CR and its advisers will monitor the performance of the noticing and claims administration strategies outlined above throughout the distribution for effectiveness measured against expected take-up rates and will adapt the approach where evidence suggests that any part of the plan is not operating as intended. This will include:
- i. Reviewing the take-up rates and relative effectiveness of each noticing provision and adjusting the messaging, marketing approach and/or media channels employed accordingly. Where take-up is lower than anticipated in respect of any channel or audience, expenditure will be adjusted or reallocated to noticing methods shown to be the most cost-effective, within the available budget; and
 - ii. Working with the Claims Administrator to monitor its operation, including the methods of evidence verification and fraud prevention, and to update those methods to reflect lessons learned during the distribution.
223. As noted above at paragraph 153, the CR proposes to report to the Tribunal upon the progress of the distribution monthly and the Mid-Point Hearing will be held after three full months of the distribution process have been completed. Once the distribution is concluded, Scott+Scott will produce a witness statement or report to the Tribunal, free of charge, assessing the overall success of distribution and effectiveness of the strategies outlined in this plan, including any adjustments, together with such feedback and lessons from the plan and distribution process as may be of assistance to the Tribunal and its users in the conduct of future distributions.

IX. BUDGET

a) Preparation of Distribution Plan

224. Pursuant to the MOL/NYK CSAO, £425,000 (inclusive of VAT) was made available for the preparation and approval of the Distribution Plan, taken from the other £2.5 million allocated in the Settlements to pay the costs of distribution. That budget was allocated as follows:

ITEM	BUDGET (ex. VAT)	BUDGET (incl. VAT)
Claims Administrator (Epiq)		
Survey/Class Member Research (Thorndon)		
Counsel Sarah Ford KC Nicholas Gibson KC Sarah O’Keeffe		
Solicitors (Scott+Scott)	£144,000	£172,800
Other: PR Costs		
Other: Bundle	£6,000	£7,200
TOTAL	£358,241	£429,889
	ROUNDED DOWN	£425,000

225. The fees incurred by the CR's team as at the date of the Distribution Plan are set out at Annex 7 and comprise:

ITEM	BUDGET (ex. VAT)	BUDGET (incl. VAT)	INCURRED (ex. VAT)	INCURRED (Incl. VAT)	NET POSITION
Claims Administrator (Epiq)					
Survey/Class Member Research (Thorndon)					
Counsel Sarah Ford KC Nicholas Gibson KC Sarah O'Keeffe					
Solicitors (Scott+Scott)	£144,000	£172,800	£303,149	£363,779	(£190,979)
Other: PR Costs					
Other: Bundle	£6,000	£7,200	£0	£0	£7,600
Ankura					
TOTAL	£358,241	£429,889	£523,578	£628,511	(£198,622)
	ROUNDED DOWN	£425,000			

226. The Distribution Plan preparation budget has been exceeded because of the additional work undertaken by the CR's team following the Tribunal's directions at the MOL/NYK CSAO hearing, including:

- i. **Fleets Outreach and Engagement:** Conducting an extensive outreach exercise to the largest Corporate Entities with significant numbers of Affected Vehicles. Resulting in the list of Engaged Class members at Annex 2, this has involved, in some cases, multiple rounds of emails and telephone calls with Class Members to explain the background to the claim, the proposed distribution process, and in many instances assist Class Members in understanding the Opt-Out Regime where they were not aware of its existence or operation. We have also established contact with LGA, DBIST, and BVRLA to help us reach Fleets and other Corporate Class Members and have assisted them in fielding queries from their members and affiliates.
- ii. **Class Member Eligibility:** As explained above, the vehicle information relating to Fleets obtained from DVLA contains data for (i) Fleets that are Class Members (such as car rental companies and other businesses purchasing vehicles for their own use); (ii) Fleets that are not Class Members (where vehicles purchased were leased on to their customers, who are the Class Members); and (iii) Fleets who both rent and lease vehicles to customers and so will be a Class Member in respect of some of the vehicles they purchased but not all. As part of the outreach to the largest Fleets, it has been necessary for the CR's team (primarily Scott+Scott with support from Counsel and Ankura) to consider the individual circumstances and business practices of certain Fleets to establish whether they can claim as Class Members. This includes the discussions with Motability described at 42 onwards.
- iii. **Noticing and Distribution Planning:** In preparing the Distribution Plan, the CR and its team have also commenced many of the strategies and processes that will be used throughout the distribution. These processes (including noticing, claim verification/administration and payment methods) involve complex arrangements with multiple third parties, requiring scoping and negotiation and long lead times to develop. As set out in Section V above, learning from the experience in *Boundary Fares* and taking into account the results of the Engagement Research, the CR and

its team have engaged in significant work to seek creative and cost-effective solutions for:

- (a) raising awareness of the Settlements amongst consumers and corporate entities;
- (b) designing as easy a claim process as it can, including developing options with the DVLA for verifying vehicle ownership;
- (c) establishing relationships with charities and securing support from Macmillan and AtJF;
- (d) liaising with consumer rights organisations such as MSE and Which? to seek their endorsement of the settlement and assistance in raising awareness of the claim amongst consumers;
- (e) ensuring that the distribution will also be featured in independent editorial by Consumer Voice via its website and directly to its email community (Consumer Voice's platform has had over 550,000 unique users and more than 85,000 engaged email subscribers);
- (f) negotiating a partnership with a Nectar360 to offer distribution via loyalty points and advertise the claim to the scheme's users; and
- (g) offering Class Members a number of different options for payment, including bank transfer, PayPal, pre-paid bank card, Vouchers, charity donation and loyalty scheme points. These payments methods have all been negotiated and secured with the relevant providers.

227. While some items in the Distribution Plan budget have not been fully utilised,⁶⁸ other budgets, notably for the CR's solicitor, claims administrator and counsel team, have been exceeded for the reasons set out above. Further, it has been necessary to engage Ankura to assist with the Fleets outreach exercise, Sections of the Distribution Plan relating to this and projected take-up rates. Ankura's fees [REDACTED] are covered in part by unused portions of the PR budget [REDACTED] (plus VAT). As part of its engagement to

⁶⁸ Planned PR work has not yet been implemented pending approval of the Distribution Plan and Thorndon's survey work has been completed under budget.

assist with publicising the Claim, Thorndon has not charged for its work reviewing and contributing to the Distribution Plan. Scott+Scott has agreed not to be paid its fees out of the Distribution Plan budget but instead to prioritise payment of the CR's other team members listed above. Scott+Scott will be paid the remainder of the amount left over from the £425,000 for the preparation of the Distribution Plan. However, it may draw the additional unpaid fees to the attention of the Tribunal when applying for CFDs and seek for its fees to be paid from the accrued and occurring interest.

b) Distribution

Noticing

228. The CR has instructed Thorndon to provide advice on marketing and publicity strategy and to implement the noticing provisions described at Section VI. The total cost of this work is around [REDACTED] and is itemised at Annex 7. This fee covers a comprehensive communications approach across strategy, narrative development, media relations and social media over the course of around nine months (pending the final agreed distribution date).
229. The fee covers preparatory work which started in July 2026. This included analysis of the survey data to develop a detailed breakdown of the class into 'audience personas'. This has been used to develop a highly targeted communications strategy across multiple channels to ensure the class is reached on relevant platforms and media outlets. Narrative development includes turning the legalistic and technical language of the claim into more accessible claimant-friendly language. This has also been cross-checked against the message preferences of each 'persona' based on the survey data. All media targets (across broadcast, print and online), stakeholders and online influencers who we are targeting for launch have been contacted and briefed in this pre-launch phase. A press release will also be sent to media ahead of the distribution window opening to prime claimants that the compensation will be accessible soon.
230. The fee also covers six months of campaigning across multiple channels to continuously reach and engage claimants throughout the distribution window. It will be necessary to sustain a high-level of activity throughout the six-months given the current low levels of awareness. This will include media, blogs and forums, social media journalists and paid

digital strategy across Facebook and LinkedIn. The fee will cover the cost of creating social media graphics which will be updated based on engagement throughout the campaign. Throughout the six-month campaign, there will also be a critical and constant reporting function which Thorndon manages. This will primarily be a data-driven campaign, adapting the strategy based on what is driving the most website traffic. Considerable time will therefore be spent in analysing the data, reporting to the CR and his legal team, advising and ultimately delivering on any changes to the strategy.

231. Thorndon's proposed fee also includes [REDACTED] per month over six months to cover the costs of digital advertising across social media and Google search. This is a third-party cost only. Anything from this budget which is not utilised will be retained by the CR.
232. Thorndon will be supported in this noticing strategy by Epiq who will undertake technical support and implementation. The cost of this work is estimated at [REDACTED] and is itemised at Annex 7. This support and implementation work by Epiq includes an upgrade of the underlying website technology and infrastructure to adopt best in class website techniques and functionalities, keyword search research based on analytics, continuing to maintain and manage the earned media social media pages associated with the claim as well as SEO and AEO techniques.
233. A further [REDACTED] is included in the budget for work associated with setting up and administering the partnership with Nectar 360. This amount reflects the outcome of a commercial negotiation between the CR's team and Nectar360. As itemised at Annex 7, this cost covers work by Nectar to connect the Claim Website to the Nectar system and process the Nectar point claims submitted by Class Members. It will also include the creation of promotional materials for the Nectar app and website and ongoing monitoring of their efficacy. The cost also relates to contact centre support for customer enquiries, transaction investigations, complaint handling and programme-related administration. Finally, it should be noted that, while the value of the Nectar points received by Class Members selecting this distribution method equates to the cash value for other distribution methods the cost of those points from the settlement pot includes a fee of around [REDACTED] which covers the cost of accessing the Nectar programme.

Claim Processing and Verification

234. The claim process will be administered by Epiq, which has designed and created an online claim form to be completed by each Class Member (also available in paper format, upon request). Epiq will also process each claim, including checking claims in accordance with the evidential requirements described at paragraph 183 and applying anti-fraud measures explained at paragraph 194 onwards. Epiq will also deal with incoming queries from Class Members on the claim process and administer the customer service function of the distribution as described at paragraph 202. The cost of processing and verifying claims is estimated at around [REDACTED] and is itemised at Annex 7.

Class Member Payment

235. Payment of Class Members will also be administered by Epiq in conjunction with the third-party providers of the payment/donation options set out at paragraph 204 onwards. Epiq will also manage distribution accounts and reconciliation of amounts claimed against available Settlement Pots. The Cost of Epiq's work on Class Member payment is [REDACTED] (as shown in Annex 7). The transaction fees applicable to the payments to Class Members will vary between payment options (as shown in Annex 7) and for the purposes of this Distribution Plan, the CR has budgeted [REDACTED] for these costs.

c) Cost Monitoring

236. The CR has instructed Kennedy Cater, legal procurement and costs specialists, to monitor how the distribution budget is spent on the implementation of the plan. Kennedy Cater will review and monitor all invoices submitted to the CR and advise the CR on spending as against the approved budget and where this may need to be adjusted.

237. Kennedy Cater will perform this work on a fixed fee of £2,500 per month plus VAT, which covers up to 10 hours of work with any additional time charged at £275 per hour plus VAT (Annex 7).

X. CONCLUSION

238. The CR encloses at Annex 6 a draft order respectfully seeking the Tribunal's approval for this Distribution Plan.

XI. STATEMENT OF TRUTH

I believe that the facts stated in the Distribution Plan are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.



Cian Mansfield

Position: Partner, Scott+Scott UK LLP

Date: 30 September 2026

Annex 1:

Apportionment of Settlement Sums under Settlement Agreements

(figures stated in £millions)

Settlement	Guaranteed Sum	Additional / Deferred Damages Sum	CFDs	Distribution	Damages / CFDs (unallocated)	Inter partes costs (allocated)	Total
CSAV					£1.12	£0.38	£1.50
WWL	£8.75	£6.50	£8.75	£0.50			£24.50
K-Line	£5.25	£1.75	£5.25	£0.50			£12.75
MN Defendants	£20	£12.50	£20	£1.5			£54.00
Total	£34	£20.75	£34 ⁶⁹	£2.5	£1.12	£0.38	£92.75

Note: as of 31 August 2026, £1,058,885.50 of interest has accrued.

⁶⁹ £16,692,937.41 has been paid to stakeholders so far.

The Total Distribution Sum comprises:

- The Guaranteed Damages of £34 million; plus
- The Additional Damages of £20.75 million; plus
- The CSAV unallocated damages of £1.12 million; which equals
- £55.87 million.

Annex 2: Engaged Class Members⁷⁰

Engaged Class Members			
Class Member	Estimated number of vehicles	Source for vehicle numbers	Nature of engagement / indication of interest
[REDACTED]	795,331	DVLA registrant data for 2006-2019	Emails with business and formed part of focus group
[REDACTED]	695,440	DVLA registrant data for 2006-2019	Emails with business
[REDACTED]	335,823	DVLA registrant data for 2006-2019	Emails with business
[REDACTED]	332,088	DVLA registrant data for 2006-2019	Emails and call with business
[REDACTED]	260,369	DVLA registrant data for 2006-2019	Emails and call with business
[REDACTED]	241,267	DVLA registrant data for 2006-2019	Emails and call with business
[REDACTED]	87,285	DVLA registrant data for 2006-2019	Emails and calls with liquidators

⁷⁰ This annex does not include entities and/or individual consumers that have registered to the Claim website, although naturally, there might be an overlap between Engaged Class Members and those who have registered to the claim website. The exception to this are county councils, which are included in this annex if they have registered to the website.

Engaged Class Members			
Class Member	Estimated number of vehicles	Source for vehicle numbers	Nature of engagement / indication of interest
██████████ ██████████ ██████████ ██████████	38,734	DVLA registrant data for 2006-2019	Emails with business
██████████ ██████████ ██████████ ██████████	38,235	DVLA registrant data for 2006-2019	Emails with business
██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████	35,131	DVLA registrant data for 2006-2019	Emails and calls with business
██████████	31,170	DVLA registrant data for 2006-2015	Call with contact at ██████████ ██████████ and follow up emails and letters to relevant contacts at ██████████ ██████████
██████████	27,763	DVLA registrant data for 2006-2019	Emails with business
████████████████████ ██████████	24,373	DVLA registrant data for 2006-2019	Emails with business
██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████	14,726	DVLA registrant data for 2006-2019	Emails with liquidators

Engaged Class Members			
Class Member	Estimated number of vehicles	Source for vehicle numbers	Nature of engagement / indication of interest
	8,284	DVLA registrant data for 2006-2019	Emails and calls with business
 	1,796	DVLA registrant data for 2006-2019	Emails with their external economic advisors
 	1,630	DVLA registrant data for 2006-2019	Emails with business
 	1,603	DVLA registrant data for 2006-2015	Attended focus group
	1,589	DVLA registrant data for 2006-2019	Emails with business
 	1,496	DVLA registrant data for 2006-2019	Registered to the claim website
	1,319	DVLA registrant data for 2006-2019	Registered to the claim website
	1,057	DVLA registrant data for 2006-2019	Emails and call with business
 	641	DVLA registrant data for 2006-2019	Engagement with the Local Government Authority and

Engaged Class Members			
Class Member	Estimated number of vehicles	Source for vehicle numbers	Nature of engagement / indication of interest
			registered to the claim website
██████████ ██████	630	DVLA registrant data for 2006-2019	Registered to the claim website
██████████ ██████████	596	DVLA registrant data for 2006-2019	Registered to the claim website
██████████ ██████	564	DVLA registrant data for 2006-2019	Registered to the claim website
██████████ ██████ ████████ ██████	553	DVLA registrant data for 2006-2019	Registered to the claim website
██████ ████████ ██████	440	From the business (as registered on the claim website)	Attended focus group
██████████ ██████	418	DVLA registrant data for 2006-2015	Registered to the claim website
██████████ ██████████	400	From business (as registered on the claim website)	Registered to the claim website
██████████ ██████	359	DVLA registrant data for 2006-2019	Registered to the claim website

Engaged Class Members			
Class Member	Estimated number of vehicles	Source for vehicle numbers	Nature of engagement / indication of interest
██████████ ██████	310	DVLA registrant data for 2006-2019	Registered to the claim website
██████████ ██████████	262	DVLA registrant data for 2006-2019	Registered to the claim website
██████████ ██████████	255	DVLA registrant data for 2006-2015	Registered to the claim website
██████████	250	From the business (indicated in the region of 250-300)	Emails and calls with business
██████ ████████ ██████	240	DVLA registrant data for 2006-2019	Registered to the claim website
██████████ ██████	212	DVLA registrant data for 2006-2019	Registered to the claim website
██████████	206	DVLA registrant data for 2006-2019	Emails with business
██████████	156	DVLA registrant data for 2006-2019	Registered to the claim website
██████████ ██████	145	DVLA registrant data for 2006-2019	Registered to the claim website
██████████ ██████████	141	DVLA registrant data for 2006-2019	Registered to the claim website

Engaged Class Members			
Class Member	Estimated number of vehicles	Source for vehicle numbers	Nature of engagement / indication of interest
[REDACTED]	114	DVLA registrant data for 2006-2019	Registered to the claim website
[REDACTED]	104	DVLA registrant data for 2006-2019	Registered to the claim website
[REDACTED]	99	DVLA registrant data for 2006-2019	Registered to the claim website
[REDACTED]	90	From the business (as registered on the claim website)	Registered to the claim website
[REDACTED]	87	DVLA registrant data for 2006-2019	Registered to the claim website
[REDACTED]	69	DVLA registrant data for 2006-2019	Registered to the claim website
[REDACTED]	51	DVLA registrant data for 2006-2019	Registered to the claim website
[REDACTED]	36	DVLA registrant data for 2006-2019	Registered to the claim website
[REDACTED]	33	DVLA registrant data for 2006-2019	Registered to the claim website

Engaged Class Members			
Class Member	Estimated number of vehicles	Source for vehicle numbers	Nature of engagement / indication of interest
[REDACTED]	23	DVLA registrant data for 2006-2019	Registered to the claim website
[REDACTED]	3	From the business (as registered on the claim website)	Registered to the claim website
Total	2,952,826		

Annex 3: Local authorities identified in DVLA data as having Affected Vehicles ⁷¹

*authorities registered to the Claim website

County Council	Number of Vehicles per DVLA in 2006-2019 (unless otherwise stated)
[REDACTED]	1,869
[REDACTED]	1,496
[REDACTED]	1,424
[REDACTED]	1,319
[REDACTED]	1,198
[REDACTED]	641
[REDACTED]	630
[REDACTED]	596
[REDACTED]	564
[REDACTED]	553
[REDACTED]	447
[REDACTED]	421
[REDACTED]	418
[REDACTED]	401
[REDACTED]	394
[REDACTED]	388
[REDACTED]	371
[REDACTED]	359
[REDACTED]	359
[REDACTED]	352

⁷¹ The complete lists of councils is included even if we have not formally engaged with them, because the CR is confident we can contact them in due course.

County Council	Number of Vehicles per DVLA in 2006-2019 (unless otherwise stated)
	339
	315
	310
	305
	265
	262
	255
	240
	212
	210
	203
	171
	159
	156
	156
	154
	153
	149
	145
	141
	140
	134
	132
	128

County Council	Number of Vehicles per DVLA in 2006-2019 (unless otherwise stated)
	114
	112
	110
	109
	109
	107
	104
	99
	99
	98
	95
	87
	75
	72
	69
	66
	62
	62
	61
	60
	57
	51
	39
	36

County Council	Number of Vehicles per DVLA in 2006-2019 (unless otherwise stated)
[REDACTED]	34
[REDACTED]	33
[REDACTED]	33
[REDACTED]	33
[REDACTED]	28
[REDACTED]	28
[REDACTED]	28
[REDACTED]	27
[REDACTED]	25
[REDACTED]	23
[REDACTED]	20
[REDACTED]	19
[REDACTED]	18
[REDACTED]	17
[REDACTED]	17
[REDACTED]	17
[REDACTED]	14
[REDACTED]	13
[REDACTED]	13
[REDACTED]	10
[REDACTED]	10
[REDACTED]	9
[REDACTED]	6
[REDACTED]	6

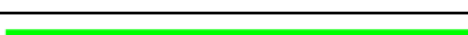
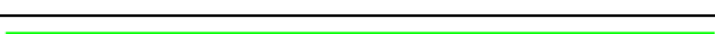
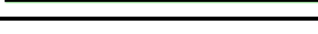
County Council	Number of Vehicles per DVLA in 2006-2019 (unless otherwise stated)
[REDACTED]	6 (as of DVLA Fleet Registry for 2006-2019)
[REDACTED]	5
[REDACTED]	5
[REDACTED]	5
[REDACTED]	3
[REDACTED]	3
[REDACTED]	2
[REDACTED]	2
[REDACTED]	2
[REDACTED]	1 (as of DVLA Fleet Registry for 2006-2019)
[REDACTED]	1
[REDACTED]	21,503

Annex 4: Companies with 500+ DVLA vehicle registrations in the period 2006 to 2019⁷² (unless otherwise stated)

This is a modified version of Annex 1 to the First Witness Statement of Cian Mansfield (Mansfield 1) which excludes companies that the CR understands to be leasing companies and therefore not Class Members. We have included companies where it is not certain if they are or are not Class Members.

Tab	Vehicle purchaser	Number of vehicles purchased
1.	[REDACTED]	795,331
2.	[REDACTED]	695,440
3.	[REDACTED]	335,823
4.	[REDACTED]	324,477
5.	[REDACTED]	260,369
6.	[REDACTED]	241,267
7.	[REDACTED]	134,130
8.	[REDACTED]	135,328
9.	[REDACTED]	87,285
10.	[REDACTED]	70,867
11.	[REDACTED]	55,638
12.	[REDACTED]	54,859
13.	[REDACTED]	47,359
14.	[REDACTED]	38,734
15.	[REDACTED]	38,235
16.	[REDACTED]	35,131

⁷² Please note that we have excluded [REDACTED] on the assumption that they purchased their own vehicles, which are excluded brands.

Tab	Vehicle purchaser	Number of vehicles purchased
17.		32,080
18.		24,001
19.		22,958
20.		22,374
21.		20,196 ⁷³
22.		17,040
23.		15,836
24.		15,315
25.		14,726
26.		11,070
27.		10,984
28.	 	8,284
29.		7,684
30.		7,611
31.		6,458
32.		6,045
33.		5,409
34.		5,348
35.		5,245
36.		5,154
37.		4,893
38.		4,578

⁷³ As of DVLA Fleet Registry for 2006-2015.

Tab	Vehicle purchaser	Number of vehicles purchased
39.		4,292
40.		4,093
41.		3,831
42.		3,829
43.		3,815
44.		3,745
45.	 	3,742 (as of DVLA Fleet Registry for 2006-2019)
46.		3,306
47.	 	3,252 (as of DVLA Fleet Registry for 2006-2019)
48.		3,158
49.		3,038
50.		2,908
51.		2,907
52.	 	2,520 (as of DVLA Fleet Registry for 2006-2019)
53.	 	2,472 (as of DVLA Fleet Registry for 2006-2019)
54.		2,342
55.		2,028

Tab	Vehicle purchaser	Number of vehicles purchased
56.		2,020
57.		1,968
58.		1,947
59.		1,864
60.		1,845
61.		1,778
62.		1,726
63.		1,684 (as of DVLA Fleet Registry for 2006-2019)
64.		1,664
65.		1,633 (as of DVLA Fleet Registry for 2006-2019)
66.		1,630
67.		1,589
68.		1,532
69.		1,522
70.		1,413
71.		1,402
72.		1,190
73.		1,086
74.		1,057
75.		880
76.		828

Tab	Vehicle purchaser	Number of vehicles purchased
77.	[REDACTED]	779
78.	[REDACTED]	772 (as of DVLA Fleet Registry for 2006-2019)
79.	[REDACTED]	7442006-2019
80.	[REDACTED]	7082006-2019
	[REDACTED]	694
	[REDACTED]	669 (as of DVLA Fleet Registry for 2006-2019)
81.	[REDACTED]	624
82.	[REDACTED]	576
83.	[REDACTED]	567 (as of DVLA Fleet Registry for 2006-2019)
84.	[REDACTED]	509
85.	[REDACTED]	501 (as of DVLA Fleet Registry for 2006-2019)
86.	[REDACTED]	500 (as of DVLA Fleet Registry for 2006-2019)
	Total	3,718,741

Annex 5: Permutations of per vehicle amount and total distribution⁷⁴

Table A1: £25, £5, £2.50 medium take-up – recommended approach

	Consumers (non- Motability)	Motability consumers	Fleets	Businesses
Vehicle 1	£25.00	£25.00	£25.00	£25.00
Vehicle 2-6	£5.00	£5.00	£5.00	£5.00
Vehicle 7+	£2.50	£2.50	£2.50	£2.50
Take up	5%	60%	75%	10%
Total	£53.968m			

Table A2: £25, £5, £2.50 low take-up

	Consumers (non- Motability)	Motability consumers	Fleets	Businesses
Vehicle 1	£25.00	£25.00	£25.00	£25.00

⁷⁴ Nectar take-up at £30 for the first vehicle, £6 for the second to sixth vehicles, and £3 for vehicles 7+. Please see paragraph 233 above, which discusses the 20% additional costs for Nectar distribution transactions. The figures in this Annex assume 5% take up by consumers (both Motability and non-Motability) of the Nectar option.

	Consumers (non- Motability)	Motability consumers	Fleets	Businesses
Vehicle 2-6	£5.00	£5.00	£5.00	£5.00
Vehicle 7+	£2.50	£2.50	£2.50	£2.50
Take up	2.5%	25%	50%	5%
Total	£30.070m			

Table A3: £25, £5, £2.50 – high take-up

	Consumers (non- Motability)	Motability consumers	Fleets	Businesses
Vehicle 1	£25.00	£25.00	£25.00	£25.00
Vehicle 2-6	£5.00	£5.00	£5.00	£5.00
Vehicle 7+	£2.50	£2.50	£2.50	£2.50
Take up	10%	75%	90%	15%
Total	£73.226m			

Table B1: £25, £5.36, £2.16 medium take-up

	Consumers (non- Motability)	Motability consumers	Fleets	Businesses
Vehicle 1	£25.00	£25.00	£25.00	£25.00
Vehicle 2-6	£5.36	£5.36	£5.36	£5.36
Vehicle 7+	£2.16	£2.16	£2.16	£2.16
Take up	5%	60%	75%	10%
Total	£51.953m			

Table B2: £25, £5.36, £2.16 low take-up

	Consumers (non- Motability)	Motability consumers	Fleets	Businesses
Vehicle 1	£25.00	£25.00	£25.00	£25.00
Vehicle 2-6	£5.36	£5.36	£5.36	£5.36
Vehicle 7+	£2.16	£2.16	£2.16	£2.16

	Consumers (non- Motability)	Motability consumers	Fleets	Businesses
Take up	2.5%	25%	50%	5%
Total	£28.343m			

Table B3: £25, £5.36, £2.16 high take-up

	Consumers (non- Motability)	Motability consumers	Fleets	Businesses
Vehicle 1	£25.00	£25.00	£25.00	£25.00
Vehicle 2-6	£5.36	£5.36	£5.36	£5.36
Vehicle 7+	£2.16	£2.16	£2.16	£2.16
Take up	10%	75%	90%	15%
Total	£71.075m			

Table C1: £25, £10, £2 medium take-up

	Consumers (non- Motability)	Motability consumers	Fleets	Businesses
Vehicle 1	£25.00	£25.00	£25.00	£25.00
Vehicle 2-6	£10.00	£10.00	£10.00	£10.00
Vehicle 7+	£2.00	£2.00	£2.00	£2.00
Take up	5%	60%	75%	10%
Total	£54.960m			

Table C2: £25, £10, £2 low take-up

	Consumers (non- Motability)	Motability consumers	Fleets	Businesses
Vehicle 1	£25.00	£25.00	£25.00	£25.00
Vehicle 2-6	£10.00	£10.00	£10.00	£10.00
Vehicle 7+	£2.00	£2.00	£2.00	£2.00
Take up	2.5%	25%	50%	5%

	Consumers (non- Motability)	Motability consumers	Fleets	Businesses
Total	£29.319m			

Table C3: £25, £10, £2 high take-up

	Consumers (non- Motability)	Motability consumers	Fleets	Businesses
Vehicle 1	£25.00	£25.00	£25.00	£25.00
Vehicle 2-6	£10.00	£10.00	£10.00	£10.00
Vehicle 7+	£2.00	£2.00	£2.00	£2.00
Take up	10%	75%	90%	15%
Total	£75.875m			



Annex 6: Draft Order

Annex 7: Budget

[this Annex is provided in native format, in an attachment to this Distribution Plan]

Annex 8: Data Templates

[this Annex is provided in native format, in an attachment to this Distribution Plan]