

Case 1698/7/7/24 - Clare Mary Joan Spottiswoode CBE v Airwave Solutions Limited, Motorola Solutions UK Limited & Motorola Solutions, Inc – CPO Judgment Summary

Summary

Judgment of the Competition Appeal Tribunal ("Tribunal") was published on 13 October 2025 in connection with an application for a collective proceedings order ("CPO") brought by Clare Mary Joan Spottiswoode (the "PCR") against Airwave Solutions Limited, Motorola Solutions UK Limited and Motorola Solutions, Inc ("Motorola").

The proposed collective proceedings relate to Motorola's provision of Land Mobile Radio network services, including ancillary services, which are essential for public safety in Great Britain (the "Airwave Services"). The PCR contends that Motorola occupied a dominant position on the relevant market and has charged excessive and unfair prices for Airwave Services.

The PCR brings her proposed collective proceedings on behalf of the purchasers of Airwave Services and seeks to recover damages for an alleged overcharge paid by those purchasers as a result of the alleged infringement. The PCR sought certification of the proposed collective proceedings on an opt-out basis, with aggregate damages estimated to be in the region of £600–650 million.

Motorola contested certification. The main issues raised by Motorola related to: (1) that the proposed class definition was unclear and unworkable; and (2) that the proposed collective proceedings should proceed on an opt-in basis. Motorola also (3) sought to strike out part of the claim on the basis that the price for Airwave Services charged during that period was agreed in 2017, at a time when the PCR does not allege that Motorola was dominant.

The Tribunal concluded that the PCR meets the authorisation condition of certification and that the proposed collective proceedings meet the eligibility condition of certification. The Tribunal concluded:

- in relation to (1), that the PCR's proposed class definition was clear and workable, rejecting Motorola's contention that it would give rise to a conflict of interest;
- in relation to (2), that there would be a significant impediment to access to justice if the proposed collective proceedings proceeded on an opt-in basis, such that it was appropriate for the claim to proceed on an opt-out basis; and
- in relation to (3), that the issue raised in the strike out application was more properly a matter for trial,

The Tribunal also amended clauses 7 and 9 of the PCR's Litigation Funding Agreement following concerns raised by Motorola.

Accordingly, the PCR's application for a CPO was granted and the strike out application was dismissed.