

## THE ENERGY TEST CLAIMS UPDATE

WELCOME FROM THE BC LEGAL ENERGY TEAM

Welcome to the inaugural edition of BC Legal's Energy Mis-selling Test Claims update. We are pleased to inform you that we are taking significant steps towards establishing a legal framework that will enable businesses to pursue energy mis-selling claims successfully.

In this new letter let us tell you how we are working to get the best result possible on your claim.

### What is BC Legal doing on the energy claims?

In May, we are commencing several "test claims" in the High Court and Business & Property Court in London. If successful, these test claims will set a legal precedent and pave the way for future business energy mis-selling claims.

At BC Legal, we believe we are at the forefront of this crucial and high-profile litigation in the UK.



*Boris Cetnik*  
Director & Founder BC Legal

### Why is BC Legal doing this and how will it help my claim?

The current law governing business energy claims is not sufficiently well-established, and we need precedent caselaw to direct how claims can be successfully pursued in court.

This is especially true for what the courts determine as "Small Claims"-where the estimated value of claims is below £10,000. In such cases the court will generally place your claim on the aptly named "Small Claims Track" where there are relaxed court rules on evidence and hearings. Energy suppliers take advantage of this and will be able to avoid disclosing much of the necessary evidence which would enable a business to succeed in its claim.

We will use the test cases in the higher courts to provide clarity on the complex issues of law which need to be determined in all energy claims. In our view these complex issues of law would not be properly aired and argued in the small claims track and most businesses would fail in their claims.

Hence why we are running the test litigation first.

## What happens with my small claim?

If you have a small claim, it will be put 'on hold' while we await the outcome of the test litigation. If successful, the test litigation will improve the prospects of future small claims being pursued in the court.

The whole purpose of this test litigation is to get a better outcome on your claim. We want to give your claim the very best chance of success and help you and the very large number of businesses in a similar position to yourself.

## What test claims are being pursued?

We are currently acting for a range of businesses, including pubs, beauty salons, restaurants, schools, care homes, churches, and charities. The test claims are focused on a couple of the UK's larger business energy suppliers and a broader number of energy brokers. We are pursuing claims against energy suppliers only.

## What do I need to do?

There is currently no action required on your part.

BC Legal plans to initiate additional legal proceedings against a series of large energy providers throughout 2023.

It maybe that your claim will be chosen as a potential test case. If so, we will notify you and walk you through the next steps.

We will keep you up to date on all the latest developments on the test cases and the decisions we achieve. Even if you are not selected to be part of the test litigation, by having your case ready and waiting while this happens means that we can submit your case as soon as the necessary legal framework is in place.

## How will I be kept updated on things?

We will keep you updated on the progress of the test claims and how we will be keeping the pressure on the energy suppliers through our bi-monthly newsletter.

If you want to discuss anything further, then please contact our team using the email below but we hope that our newsletter will keep you up-to-date on the latest developments.

For queries on your claim email: [Energyupdate@bc-legal.co.uk](mailto:Energyupdate@bc-legal.co.uk)

A member of our energy team will get in touch with you within 2 working days.

Thank you for your continued support.

The Energy Team  
BC LEGAL

## How long will it take?

We anticipate it will take at least 12 months for all these test claims to be heard at trial and we'll keep you updated through every step.

