
STATUTORY INSTRUMENTS

2003 No. 1372

The Competition Appeal Tribunal Rules 2003

PART II

APPEALS

INTERVENTION, CONSOLIDATION AND FORUM

Publication of summary of appeal

15.—(1) Subject to rules 9 and 10 of these rules the Registrar shall as soon as practicable upon receipt of an appeal publish a notice on the Tribunal website and in any other manner the President may direct.

(2) The notice referred to in paragraph (1) above shall state—

- (a) that an appeal has been received;
- (b) the name of the appellant;
- (c) the disputed decision to which the appeal relates and the person by whom it was made;
- (d) the particulars of the relief sought by the appellant;
- (e) a summary of the principal grounds relied on; and
- (f) a statement indicating that any person who considers that he has sufficient interest may apply to intervene in the proceedings, in accordance with rule 16, within three weeks of publication of the notice or such other period as the President may direct.

Intervention

16.—(1) Any person who considers he has sufficient interest in the outcome may make a request to the Tribunal for permission to intervene in the proceedings.

(2) The request must be sent to the Registrar within the period referred to in rule 15(2)(f).

(3) The Registrar shall give notice of the request for permission to intervene to all the other parties to the proceedings and invite their observations on that request within a specified period.

(4) A request for permission to intervene must state—

- (a) the title of the proceedings to which that request relates;
- (b) the name and address of the person wishing to intervene;
- (c) the name and address of his legal representative, if appropriate;
- (d) an address for service in the United Kingdom.

(5) The request must contain—

- (a) a concise statement of the matters in issue in the proceedings which affect the person making the request;
- (b) the name of any party whose position the person making the request intends to support; and

(c) a succinct presentation of the reasons for making the request.

(6) If the Tribunal is satisfied, having taken into account the observations of the parties, that the intervening party has a sufficient interest, it may permit the intervention on such terms and conditions as it thinks fit.

(7) On granting permission in accordance with paragraph (6), the Tribunal shall give all such consequential directions as it considers necessary with regard, in particular, to the service on the intervener of the documents lodged with the Registrar, the submission by the intervener of a statement of intervention and, if appropriate, the submission by the principal parties of a response to the statement of intervention.

(8) In making any decision or direction under this rule the Tribunal shall have regard to the matters referred to in paragraph 1(2) of Schedule 4 to the 2002 Act.

(9) The statement of intervention and any response thereto shall contain:

- (a) a succinct presentation of the facts and arguments supporting the intervention;
- (b) the relief sought by the intervener;
- (c) a schedule listing all the documents annexed to the intervention and, as far as possible, a copy of every document on which the intervener relies including the written statements of witnesses of fact or expert witnesses, if any.

(10) Rules 9, 10 (except 10(1)(b)) and 11 shall apply to the statement of intervention.

Consolidation

17.—(1) Where two or more proceedings are pending in respect of the same decision, or which involve the same or similar issues, the Tribunal may, on the request of a party or of its own initiative, order that the proceedings or any particular issue or matter raised in the proceedings be consolidated or heard together.

(2) Before making an order under this rule, the Tribunal shall invite the parties to the relevant proceedings to submit their observations.

Forum

18.—(1) The Tribunal, after taking into account the observations of the parties, may at any time determine whether its proceedings are to be treated, for purposes connected with—

- (a) any appeal from a decision of the Tribunal made in those proceedings; or
- (b) any other matter connected with those proceedings,

as proceedings in England and Wales, in Scotland or in Northern Ireland and shall instruct the Registrar to notify the parties of its determination.

(2) Notwithstanding any determination under paragraph (1), the Tribunal may hold any meeting, case management conference, pre-hearing review or hearing, or give any directions, in such place and in such manner as it thinks fit having regard to the just, expeditious and economical conduct of the proceedings.

(3) In making a determination under paragraph (1), the Tribunal may have regard to all matters which appear to it to be relevant and in particular the part of the United Kingdom where—

- (a) any individual party to the proceedings is habitually resident or has his head office or principal place of business;
- (b) the majority of the parties are habitually resident or have their head offices or principal places of business;

- (c) any agreement, decision or concerted practice to which the proceedings relate was made or implemented or intended to be implemented;
 - (d) any conduct to which the proceedings relate took place.
- (4) Without prejudice to paragraph (3), in making a determination under paragraph (1) for the purposes of a claim for damages under section 47A of the 1998 Act, the Tribunal—
- (a) may have regard to the law which is applicable to the claim; and
 - (b) in the case of claims included in proceedings under section 47B of the 1998 Act, may decide that one or more of the claims is to be treated as included in separate proceedings.