



# Enterprise Act 2002

## 2002 CHAPTER 40

### PART 2

#### THE COMPETITION APPEAL TRIBUNAL

##### *The Competition Appeal Tribunal*

## 12 The Competition Appeal Tribunal

- (1) There shall be a tribunal, to be called the Competition Appeal Tribunal (in this Part referred to as “the Tribunal”).
- (2) The Tribunal shall consist of—
  - (a) a person appointed by the Lord Chancellor to preside over the Tribunal (in this Part referred to as “the President”);
  - [<sup>F1</sup>(aa) such judges as are nominated from time to time by the Lord Chief Justice of England and Wales from the High Court of England and Wales;
  - (ab) such judges as are nominated from time to time by the Lord President of the Court of Session from the judges of the Court of Session;
  - (ac) such judges as are nominated from time to time by the Lord Chief Justice of Northern Ireland from the High Court in Northern Ireland;]
  - (b) members appointed by the Lord Chancellor to form a panel of chairmen; and
  - (c) members appointed by the Secretary of State to form a panel of ordinary members.
- (3) The Tribunal shall have a Registrar appointed by the Secretary of State.
- (4) The expenses of the Tribunal shall be paid by the Competition Service.
- (5) Schedule 2 (which makes further provision about the Tribunal) has effect.

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*Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, Cross Heading: The Competition Appeal Tribunal. (See end of Document for details)*

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### Textual Amendments

- F1** S. 12(2)(aa)-(ac) inserted (27.5.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), **ss. 82(1)**, 100(5); S.I. 2015/1333, art. 2(b)

## 13 The Competition Service

- (1) There shall be a body corporate called the Competition Service (in this Part referred to as “the Service”).
- (2) The purpose of the Service is to fund, and provide support services to, the Competition Appeal Tribunal.
- (3) In subsection (2) “support services” includes the provision of staff, accommodation and equipment and any other services which facilitate the carrying out by the Tribunal of its functions.
- (4) The activities of the Service are not carried out on behalf of the Crown (and its property is not to be regarded as held on behalf of the Crown).
- (5) The Secretary of State shall pay to the Service such sums as he considers appropriate to enable it to fund the activities of the Tribunal and to carry out its other activities.
- (6) Schedule 3 (which makes further provision about the Service) has effect.

### Commencement Information

- II** S. 13 wholly in force at 1.4.2003; s. 13 not in force at Royal Assent see s. 279; s. 13(6) in force for certain purposes at 18.3.2003 by S.I. 2003/765, **art. 2, Sch.**, s. 13 in force at 1.4.2003 by S.I. 2003/766, **art. 2, Sch.**

## 14 Constitution of Tribunal for particular proceedings and its decisions

- (1) For the purposes of any proceedings before it<sup>[F2]</sup>, including proceedings relating to the approval of a collective settlement under section 49A or 49B of the 1998 Act,] the Tribunal shall consist of a chairman and two other members.
- <sup>[F3]</sup>(1A) But in the case of proceedings relating to a claim under section 47A of the 1998 Act which is subject to the fast-track procedure (as described in Tribunal rules), the Tribunal may consist of a chairman only.]
- (2) The chairman must be the President<sup>[F4]</sup>, a judge within any of paragraphs (aa) to (ac) of section 12(2)] or a member of the panel of chairmen.
- (3) The other members may be chosen from <sup>[F5]</sup>the judges within paragraphs (aa) to (ac) of section 12(2),] the panel of chairmen or the panel of ordinary members.
- (4) If the members of the Tribunal as constituted in accordance with this section are unable to agree on any decision, the decision is to be taken by majority vote.
- (5) This section has effect subject to <sup>[F6]</sup>paragraphs 10A(1)(a) and 18] of Schedule 4 (consequences of a member of the Tribunal being unable to continue after the proceedings have begun to be heard).

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- (6) Part 1 of Schedule 4 (which makes further provision about the decisions of the Tribunal and their enforcement) has effect.

#### Textual Amendments

- F2** Words in s. 14(1) inserted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), **Sch. 8 para. 19(2)**; [S.I. 2015/1630](#), art. 3(j)
- F3** S. 14(1A) inserted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), **Sch. 8 para. 19(3)**; [S.I. 2015/1630](#), art. 3(j)
- F4** Words in s. 14(2) inserted (27.5.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), **ss. 82(2)(a)**, 100(5); [S.I. 2015/1333](#), art. 2(b)
- F5** Words in s. 14(3) substituted (27.5.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), **ss. 82(2)(b)**, 100(5); [S.I. 2015/1333](#), art. 2(b)
- F6** Words in s. 14(5) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 48(6)**, 103(3); [S.I. 2014/416](#), art. 2(1)(b) (with Sch.)

#### Modifications etc. (not altering text)

- C1** S. 14 applied (1.5.2009 for specified purposes, 1.11.2009 in so far as not already in force) by [The Payment Services Regulations 2009 \(S.I. 2009/209\)](#), reg. 1(2)(b)(c), **106** (with reg. 3)

#### Commencement Information

- I2** S. 14 wholly in force at 20.6.2003; s. 14 not in force at Royal Assent see s. 279; s. 14(1)-(5) in force and s. 14(6) in force for certain purposes at 1.4.2003 by [S.I. 2003/766](#), **art. 2**, **Sch.**, s. 14(6) in force for remaining purposes at 20.6.2003 by [S.I. 2003/1397](#), **art. 2**, **Sch.**

## 15 Tribunal rules

- (1) The Secretary of State may, after consulting the President and such other persons as he considers appropriate, make rules (in this Part referred to as “Tribunal rules”) with respect to proceedings before the Tribunal<sup>F7</sup>, including proceedings relating to the approval of a collective settlement under section 49A or 49B of the 1998 Act.]
- (2) Tribunal rules may make provision with respect to matters incidental to or consequential upon appeals provided for by or under any Act to the Court of Appeal or the Court of Session in relation to a decision of the Tribunal.
- (3) Tribunal rules may—
- specify qualifications for appointment as Registrar;
  - confer functions on the President or the Registrar in relation to proceedings before the Tribunal; and
  - contain incidental, supplemental, consequential or transitional provision.
- (4) The power to make Tribunal rules is exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Part 2 of Schedule 4 (which makes further provision about the rules) has effect, but without prejudice to the generality of subsection (1).

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### Textual Amendments

**F7** Words in s. 15(1) inserted (3.8.2015 for specified purposes, 1.10.2015 in so far as not already in force) by Consumer Rights Act 2015 (c. 15), s. 100(5), **Sch. 8 para. 20**; S.I. 2015/1584, art. 3(c); S.I. 2015/1630, art. 3(j)

### Modifications etc. (not altering text)

**C2** S. 15 applied (1.5.2009 for specified purposes, 1.11.2009 in so far as not already in force) by The Payment Services Regulations 2009 (S.I. 2009/209), reg. 1(2)(b)(c), **106** (with reg. 3)

## 16 Transfers of certain proceedings to and from Tribunal

- (1) The Lord Chancellor may by regulations—
  - (a) make provision enabling the court—
    - (i) to transfer to the Tribunal for its determination so much of any proceedings before the court as relates to an infringement issue; and
    - (ii) to give effect to the determination of that issue by the Tribunal; and
  - (b) make such incidental, supplementary, consequential, transitional or saving provision as the Lord Chancellor may consider appropriate.
- (2) The power to make regulations under subsection (1) is exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Rules of court may prescribe the procedure to be followed in connection with a transfer mentioned in subsection (1).
- (4) The court may transfer to the Tribunal, in accordance with rules of court, so much of any proceedings before it as relates to a claim to which section 47A of the 1998 Act applies.
- (5) Rules of court may make provision in connection with the transfer from the Tribunal to the <sup>[F8]</sup>court of all or any part of] a claim made in proceedings under section 47A of the 1998 Act.
- (6) In this section—
 

“the court” means—

  - (a) the High Court <sup>[F9]</sup>or the county court]; or
  - (b) the Court of Session or a sheriff court; and

<sup>[F10]</sup>“infringement issue” means any question relating to whether or not an infringement of the Chapter I prohibition or the Chapter II prohibition has been or is being committed;]

but otherwise any terms used in this section and Part 1 of the 1998 Act have the same meaning as they have in that Part.

### Textual Amendments

**F8** Words in s. 16(5) substituted (3.8.2015 for specified purposes, 1.10.2015 in so far as not already in force) by Consumer Rights Act 2015 (c. 15), s. 100(5), **Sch. 8 para. 21**; S.I. 2015/1584, art. 3(c); S.I. 2015/1630, art. 3(j)

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- F9** Words in s. 16(6) inserted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 81\(a\)](#); [S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956, arts. 3-11](#))
- F10** Words in s. 16(6) substituted (31.12.2020) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/93\), regs. 1\(1\), 33](#) (with [Sch. 4 paras. 7, 13](#)) (as amended by [S.I. 2020/1343, regs. 1\(1\), 35-59](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

**Changes to legislation:**

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