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STATUTORY INSTRUMENTS

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**2003 No. 1372**

**The Competition Appeal Tribunal Rules 2003**

**PART IV**

**CLAIMS FOR DAMAGES**

***PAYMENTS OF DAMAGES***

**Interim payments on claims for damages**

**46.**—(1) An interim payment is an order for payment by the defendant on account of any damages (except costs) which the Tribunal may hold the defendant liable to pay.

(2) The claimant may not request an order for an interim payment before the end of the period for filing a defence by the defendant against whom the claim is made.

(3) The claimant may make more than one request for an order for an interim payment.

(4) The Tribunal may make an interim payment order if—

(a) the defendant against whom the order is sought has admitted liability to pay damages to the claimant;

(b) it is satisfied that, if the claim were to be heard the claimant would obtain judgment for a substantial amount of money (other than costs) against the defendant from whom he is seeking damages.

(5) The Tribunal must not order an interim payment of more than a reasonable proportion of the likely amount of the final judgment.

(6) A request for an interim payment shall include—

(a) the grounds on which an interim payment is sought;

(b) any directions necessary in the opinion of the claimant for the determination of the request.

(7) On receiving a request for an interim payment the Registrar shall send a copy to all the other parties to the proceedings and shall inform them of the date by which they may submit written or oral observations to the Tribunal.

**Order for payment of damages**

**47.**—(1) If satisfied that the claimant is entitled to an amount of damages, the Tribunal shall order that amount to be paid to the claimant by the defendant.

(2) Where an award is made in respect of a claim included in proceedings brought by a specified body under section 47B of the 1998 Act, the Tribunal may (with the consent of the individual concerned and the specified body) order that the amount awarded is to be paid to the specified body on behalf of the individual.

(3) The Tribunal shall make such consequential orders as may be necessary for the payment of damages awarded in proceedings under section 47B of the 1998 Act.

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(4) In making any order for the payment of damages to a claimant the Tribunal may take into account any sums owing from the claimant to the defendant.