
STATUTORY INSTRUMENTS

2003 No. 1372

The Competition Appeal Tribunal Rules 2003

PART V

GENERAL AND SUPPLEMENTARY

SUPPLEMENTARY

Power of President, Chairman and Registrar to exercise powers of Tribunal

62.—(1) Any procedural act required or authorised by these rules, not being one required or authorised by the following rules—

- (a) rules 10 (Power to reject) and 28(2);
- (b) rule 12 (Withdrawal of the appeal), in the case of a withdrawal during or after the hearing;
- (c) rule 40 (Power to reject);
- (d) rule 41 (Summary judgment);
- (e) rule 42 (Withdrawal), in the case of a withdrawal during or after the hearing;
- (f) rules 58 (Permission to appeal) and 59 (Decision of the Tribunal on request for permission to appeal);
- (g) rule 60 (References to the European Court),

may be done by the President acting alone.

(2) The powers of the President may be exercised by a chairman provided that the powers conferred by rule 61 may only be exercised by a chairman if the urgency of an application made in accordance with rule 61(7) so requires.

(3) If so authorised by the President, the Registrar may, subject to rule 4(4) and without prejudice to rule 55(3)—

- (a) make any order by consent (except where rule 57(4) applies);
- (b) deal with extensions or abridgments of time limits under rule 19(2)(i), except a request for an extension of time for filing an appeal or application under Part II or Part III of these rules;
- (c) deal with requests for confidential treatment under rule 53;
- (d) exercise the Tribunal's powers in respect of the service of documents under rule 63.

Documents etc.

63.—(1) Any document required to be sent to or served on any person for the purposes of proceedings under these rules may be—

- (a) delivered personally at his appropriate address;
- (b) sent to him at his appropriate address by first class post;

- (c) served through a document exchange;
- (d) where authorised by the Tribunal, sent to him by facsimile or electronic mail or other similar means.

(2) Where—

- (a) a document is to be served by the Tribunal; and
- (b) the Tribunal is unable to serve it,

the Tribunal must send a notice of non-service, stating the method attempted, to the other parties to the proceedings.

(3) Where it appears to the Tribunal that there is a good reason to authorise service by a method not permitted by these rules, the Tribunal may of its own initiative or on the request of a party make an order permitting and specifying an alternative method of service, and specifying when the document will be deemed to be served.

(4) The Tribunal may dispense with service of a document if the interests of justice so require.

(5) A document which is sent or served in accordance with these rules shall be treated as if it had been received by or served on that person—

- (a) in the case of personal delivery, on the day of delivery;
- (b) when sent by first class post or through a document exchange, on the second day after it was posted or left at the document exchange;
- (c) in the case of a facsimile transmitted on a business day before 4pm on that day or in any other case on the business day after the day on which it is transmitted;
- (d) in the case of electronic mail or similar means, on the second day after the day on which it is transmitted.

(6) If a document (other than a facsimile) is served after 5pm on a business day, or at any time on a Saturday, Sunday or a Bank Holiday, the document shall be treated as having been served on the next business day.

(7) For the purposes of these rules “business day” means any day except Saturday, Sunday or a Bank Holiday and “Bank Holiday” includes Christmas Day and Good Friday.

(8) A person’s appropriate address for the purposes of paragraph (1) is—

- (a) in the case of a document directed to the Tribunal or to the Registrar, the Tribunal address for service;
- (b) in the case of a document directed to the applicant or to his representative, the address stated in the application in accordance with rule 8(3)(c) or such other address as may be subsequently notified to the Tribunal;
- (c) in the case of a document addressed to the respondent, the address stated in the defence in accordance with rule 14(2)(c) or such other address as may be subsequently notified to the Tribunal;
- (d) in the case of an intervener, the address stated in the request to intervene in accordance with rule 16(4)(d) or such other address as may be subsequently notified to the Tribunal.

(9) Anything required to be sent to or served on a company is duly sent or served if it is sent to or served on the secretary of the company at its principal place of business or registered address for the time being.

(10) Anything required to be sent or delivered to or served on a partnership is duly sent or served if it is sent to or served on any one of the partners for the time being.

(11) The Registrar shall, at the request of the Tribunal, or any party, certify the steps taken to serve a document pursuant to this rule, including the date and manner of service.

Time

64.—(1) Where a period expressed in days, weeks or months is to be calculated from the moment at which an event occurs or an action takes place, the day during which that event occurs or that action takes place shall not be counted as falling within the period in question.

(2) A period expressed in weeks or months shall end with the expiry of whichever day in the last week or month is the same day of the week or falls on the same date in the month, as the day during which the event or action from which the period is to be calculated occurred or took place. If, in a period expressed in months, the day on which it should expire does not occur in the last month, the period shall end with the expiry of the last day of that month.

(2) “Month” shall mean calendar month.

(3) Where the time prescribed by the Tribunal, the President, a chairman or the Registrar, or by these rules, for doing any act expires on a Saturday, Sunday or Bank Holiday, the act is in time if done on the next following day which is not a Saturday, Sunday or Bank Holiday.

Conditional Fee Arrangements

65. The rules on funding arrangements made under the Civil Procedure Rules 1998(1) as amended apply to proceedings before the Tribunal.

Enforcement of orders

66. Any order, direction or decision of the Tribunal is enforceable in accordance with Schedule 4 to the 2002 Act.

Irregularities

67.—(1) Any irregularity resulting from failure to comply with any provision of these rules before the Tribunal has reached its decision shall not of itself render the proceedings void.

(2) Where any such irregularity comes to the attention of the Tribunal, the Tribunal may, and must if it considers any person may have been prejudiced by the irregularity, give such directions as it thinks just, to cure or waive the irregularity before reaching its decision.

(3) Clerical mistakes in any document recording a direction, order or decision of the Tribunal, the President, a chairman or the Registrar, or errors arising in such a document from an accidental slip or omission, may be corrected by the President, that chairman or the Registrar, as the case may be, by certificate under his hand.

General power of the Tribunal

68.—(1) Subject to the provisions of these rules, the Tribunal may regulate its own procedure.

(2) The President may issue practice directions in relation to the procedures provided for by these rules.