
STATUTORY INSTRUMENTS

2015 No. 1648

The Competition Appeal Tribunal Rules 2015

PART 4

CLAIMS UNDER SECTION 47A OF THE 1998 ACT

DISCLOSURE

Disclosure by parties to the proceedings

- 60.**—(1) In this rule, and in rules 61 to 65—
- (a) a party discloses a document by stating that the document exists or has existed;
 - (b) a “disclosure report” means a report verified by a statement of truth, which—
 - (i) describes briefly what documents exist or may exist that are or may be relevant to the matters in issue in the case;
 - (ii) describes where and with whom those documents are or may be located;
 - (iii) in the case of electronic documents, describes how those documents are stored;
 - (iv) estimates the broad range of costs that could be involved in giving disclosure in the case, including the costs of searching for and disclosing any electronically stored documents; and
 - (v) states which directions are to be sought regarding disclosure;
 - (c) an “Electronic Documents Questionnaire” means a questionnaire in the form of the questionnaire in the Schedule to Practice Direction 31B of the CPR.
- (2) Subject to paragraph (3) and unless the Tribunal otherwise thinks fit—
- (a) at the first case management conference, the Tribunal shall decide whether and when the disclosure report and a completed Electronic Documents Questionnaire should be filed; and
 - (b) at a subsequent case management conference, the Tribunal shall decide, having regard to the governing principles and the need to limit disclosure to that which is necessary to deal with the case justly, what orders to make in relation to disclosure.
- (3) The Tribunal may at any point give directions as to how disclosure is to be given, and in particular—
- (a) what searches are to be undertaken, of where, for what, in respect of which time periods and by whom and the extent of any search for electronically stored documents;
 - (b) whether lists of documents are required;
 - (c) in what format documents are to be disclosed (and whether any identification is required);
 - (d) what is required in relation to documents that once existed but no longer exist; and
 - (e) whether disclosure is to take place in stages.

(4) A party's duty to disclose documents is limited to documents which are or have been in its control; and for this purpose, a party has or has had a document in its control if—

- (a) the document is or was in its physical possession;
- (b) it has or has had a right to possession of the document; or
- (c) it has or has had a right to inspect or take copies of the document.

(5) A party need not disclose more than one copy of a document, and for that purpose a copy of a document that contains a modification, obliteration or other marking or feature is to be treated as a separate document.

(6) Any duty of disclosure continues until the proceedings are concluded.

(7) If documents to which such a duty extends come to a party's notice at any time during the proceedings, it shall immediately notify every other party.