

---

STATUTORY INSTRUMENTS

---

**2015 No. 1648**

**The Competition Appeal Tribunal Rules 2015**

**PART 2**

**APPEALS**

**COMMENCING APPEAL PROCEEDINGS**

**Time and manner of commencing appeals**

**9.**—(1) An appeal to the Tribunal shall be made by filing a notice of appeal within two months of the date upon which the appellant was notified of the disputed decision or the date of publication of the decision, whichever is the earlier.

(2) The Tribunal may not extend the time limit provided under paragraph (1) unless it is satisfied that the circumstances are exceptional.

(3) The notice of appeal shall state—

- (a) the name and address of the appellant;
- (b) the name and address of the appellant's legal representative, if any;
- (c) an address for service in the United Kingdom;
- (d) the name and address of the respondent to the proceedings,

and shall be signed and dated by the appellant, or on its behalf by its duly authorised officer or legal representative.

(4) The notice of appeal shall contain—

- (a) a concise statement of the facts;
- (b) details of the decision to which the proceedings relate;
- (c) observations on the question in which part of the United Kingdom the proceedings of the Tribunal are to be treated as taking place under rule 18;
- (d) a summary of the grounds for contesting the decision, identifying in particular—
  - (i) under which statutory provision the appeal is brought;
  - (ii) to what extent (if any) the appellant contends that the disputed decision was based on an error of fact or was wrong in law;
  - (iii) to what extent (if any) the appellant is appealing against the respondent's exercise of its discretion in making the disputed decision;
- (e) a succinct presentation of the arguments supporting each of the grounds of appeal;
- (f) the relief sought by the appellant, and any directions sought in accordance with rule 19;
- (g) a schedule listing all the documents annexed to the notice of appeal; and
- (h) a statement identifying the evidence (whether witness statements or other documents annexed to the notice of appeal) the substance of which, so far as the appellant is aware, was not before the maker of the disputed decision.

(5) In proceedings under the 2003 Act, the notice of appeal shall include a statement indicating the extent to which the appeal relates to price control or a specified price control matter arises in the appeal.

(6) There shall be annexed to the notice of appeal—

- (a) a copy of the disputed decision; and
- (b) as far as practicable, a copy of every document (or part of a document) on which the appellant relies, including the written statements of all witnesses of fact and expert witnesses, if any.

(7) Unless the Tribunal otherwise directs, the signed original of the notice of appeal shall be accompanied by ten copies of the notice of appeal and its annexes certified by the appellant or its legal representative as conforming to the original.

### **Defective notices of appeal**

**10.**—(1) If the Tribunal considers that a notice of appeal does not comply with rule 9, or is materially incomplete, or is unduly prolix or lacking in clarity, the Tribunal may give such directions as may be necessary to ensure that those defects are remedied.

(2) The Tribunal may, if satisfied that the efficient conduct of the proceedings so requires, instruct the Registrar to defer service of the notice of appeal on the respondent until after the directions referred to in paragraph (1) have been complied with.

### **Power to strike out**

**11.**—(1) The Tribunal may, after giving the parties an opportunity to be heard, strike out an appeal in whole or in part at any stage in the proceedings if—

- (a) it considers that the Tribunal has no jurisdiction to hear or determine the appeal;
- (b) it considers that the notice of appeal, or part of it, discloses no valid ground of appeal;
- (c) it considers that the appellant does not have (or represent those who have) a sufficient interest in the decision in respect of which the appeal is made;
- (d) it is satisfied that the appellant has habitually and persistently and without any reasonable ground—
  - (i) instituted vexatious proceedings, whether against the same person or different persons; or
  - (ii) made vexatious applications in any proceedings; or
- (e) the appellant fails to comply with any rule, practice direction issued under rule 115, or order or direction of the Tribunal.

(2) When the Tribunal strikes out an appeal it may make any consequential order it considers appropriate.

### **Amendments to notice of appeal**

**12.**—(1) The appellant may amend the notice of appeal only with the permission of the Tribunal.

(2) Where the Tribunal grants permission under paragraph (1) it may do so on such terms as it thinks fit, and may give any further or consequential directions it considers necessary.

(3) In deciding whether to grant permission under paragraph (1), the Tribunal shall take into account all the circumstances including whether the proposed amendment—

- (a) involves a substantial change or addition to the appellant's case;
- (b) is based on matters of law or fact which have come to light since the appeal was made; or

- (c) for any other reason could not practicably have been included in the notice of appeal.

### **Withdrawal of the appeal**

**13.—**(1) The appellant may withdraw its appeal only with the permission of the Tribunal, or if no Tribunal has been constituted, the President.

(2) Where permission is granted under paragraph (1), the Tribunal or the President, as the case may be, (“the grantor”) may—

- (a) do so on such terms as the grantor thinks fit;
- (b) instruct the Registrar to publish notice of the withdrawal on the Tribunal website or in such other manner as the grantor may direct; and
- (c) publish any decision which the grantor would have made had the appeal not been withdrawn.

(3) Where an appeal is withdrawn—

- (a) any interim order of the Tribunal, other than an order made in respect of costs, immediately ceases to have effect; and
- (b) no fresh appeal may be brought by the appellant in relation to the decision which was the subject of the appeal without the permission of the Tribunal.