
STATUTORY INSTRUMENTS

2015 No. 1648

The Competition Appeal Tribunal Rules 2015

PART 6

GENERAL AND SUPPLEMENTARY

CONFIDENTIALITY

Requests for confidential treatment

101.—(1) A request for the confidential treatment of any document or part of a document provided in the course of proceedings before the Tribunal shall—

- (a) be made in writing indicating the relevant words, figures or passages for which confidentiality is claimed; and
- (b) be supported in each case by specific reasons,

and, if so directed by the Registrar, the person making the request shall supply a non-confidential version of the relevant document.

(2) In the event of a dispute as to whether confidential treatment should be accorded, the Tribunal shall decide the matter after hearing the parties and having regard to the need to exclude information of the kind referred to in paragraph 1(2) of Schedule 4 to the 2002 Act.

(3) The Tribunal may direct that documents, or parts of a document, containing confidential information are disclosed within a confidentiality ring.

Subsequent use of documents provided in proceedings

102.—(1) Subject to paragraphs (2) to (4), a party to whom a document has been provided in the course of proceedings—

- (a) by the Tribunal;
- (b) by another party; or
- (c) in accordance with an order under rule 63,

may use that document only for the purpose of those proceedings.

(2) Except where a document or a part of a document has been provided within a confidentiality ring, the restriction in paragraph (1) does not apply to a document if—

- (a) subject to paragraph (5), the document has been read to or by the Tribunal, or referred to, at a hearing which has been held in public;
- (b) the Tribunal gives permission; or
- (c) the party who produced or disclosed the document and the person to whom the document belongs agree.

(3) Where a document or part of a document has been provided within a confidentiality ring, the restriction in paragraph (1) applies unless the Tribunal gives permission for further use of that document or the information contained in the document or part of a document.

(4) The restriction in paragraph (1) does not prevent the CMA or any statutory body which is the maker of a disputed decision that is remitted to it by the Tribunal from using such documents for the purposes of determining the remitted issue.

(5) The Tribunal may, either of its own initiative or on the application of a party under paragraph (6), make an order restricting or prohibiting the use of any document provided in the course of proceedings, even where the document has been read to or by the Tribunal, or referred to, at a hearing which has been held in public.

(6) An application for such an order may be made—

- (a) by a party;
- (b) by any person to whom the document belongs; or
- (c) by any person who claims that the document contains confidential information relating to them.