



Enterprise Act 2002

2002 CHAPTER 40

PART 2

THE COMPETITION APPEAL TRIBUNAL

The Competition Appeal Tribunal

16 Transfers of certain proceedings to and from Tribunal

- (1) The Lord Chancellor may by regulations—
 - (a) make provision enabling the court—
 - (i) to transfer to the Tribunal for its determination so much of any proceedings before the court as relates to an infringement issue; and
 - (ii) to give effect to the determination of that issue by the Tribunal; and
 - (b) make such incidental, supplementary, consequential, transitional or saving provision as the Lord Chancellor may consider appropriate.
- (2) The power to make regulations under subsection (1) is exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Rules of court may prescribe the procedure to be followed in connection with a transfer mentioned in subsection (1).
- (4) The court may transfer to the Tribunal, in accordance with rules of court, so much of any proceedings before it as relates to a claim to which section 47A of the 1998 Act applies.
- (5) Rules of court may make provision in connection with the transfer from the Tribunal to the [F1court of all or any part of] a claim made in proceedings under section 47A of the 1998 Act.
- (6) In this section—

“the court” means—

Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2002, Section 16. (See end of Document for details)

- (a) the High Court [^{F2}or the county court]; or
 (b) the Court of Session or a sheriff court; and

[^{F3}“infringement issue” means any question relating to whether or not an infringement of the Chapter I prohibition or the Chapter II prohibition has been or is being committed;]

but otherwise any terms used in this section and Part 1 of the 1998 Act have the same meaning as they have in that Part.

Textual Amendments

- F1** Words in s. 16(5) substituted (3.8.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 8 para. 21](#); S.I. 2015/1584, art. 3(c); S.I. 2015/1630, art. 3(j)
- F2** Words in s. 16(6) inserted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 81\(a\)](#); S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F3** Words in s. 16(6) substituted (31.12.2020) by [The Competition \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/93\)](#), regs. 1(1), [33](#) (with Sch. 4 paras. 7, 13) (as amended by S.I. 2020/1343, regs. 1(1), [35-59](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Enterprise Act 2002, Section 16.