

---

STATUTORY INSTRUMENTS

---

**2000 No. 261**

**The Competition Commission Appeal Tribunal Rules 2000**

**PART II**

**COMMENCING PROCEEDINGS**

**Time and manner of commencing proceedings**

**6.—**(1) In these rules the notice of appeal referred to in Schedule 8 to the Act is referred to as “the application” and “the applicant” means the person making the appeal.

(2) An appeal to the Competition Commission under sections 46 and 47 of the Act must be made by sending an application to the Registrar so that it is received not later than two months after the date upon which the applicant was notified of the disputed decision.

(3) The tribunal may not extend the time limit provided under paragraph (2) unless satisfied that the circumstances are exceptional.

(4) The application shall state:—

- (a) the name and address of the applicant;
- (b) the name and address of the applicant’s legal representative, if appropriate;
- (c) an address for service in the United Kingdom;
- (d) in which part of the United Kingdom the applicant requests that the proceedings take place; and
- (e) the name and address of the respondent to the proceedings

and shall be signed and dated by the applicant or his legal representative.

(5) The application shall contain:—

- (a) a brief statement of the facts;
- (b) a summary of the principal grounds for contesting the decision, which shall include the information required by paragraph 2(2) of Schedule 8 to the Act;
- (c) a succinct presentation of the arguments supporting each of those grounds;
- (d) the relief sought by the applicant, and any directions sought pursuant to rule 17 below; and
- (e) a schedule listing all the documents annexed to the application.

(6) There shall be annexed to the application:—

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

(7) The signed original of the application (and its annexes) must be accompanied by seven copies certified by the applicant or his legal representative as conforming to the original.

(8) If the applicant wishes to request confidential treatment for any part of his application, or the annexes, he must indicate in the application, or within 14 days after sending it to the Registrar,

the relevant passages or documents, together with the reasons, and, if so directed by the Registrar, supply a non-confidential version of the application.

### **Defective applications**

7.—(1) If the tribunal considers that the application does not comply with rule 6 above, 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 the application is put in order and dealt with justly.

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

### **Power to strike out applications**

8.—(1) The tribunal may, after hearing the parties, strike out an application at any stage in the proceedings if—

- (a) it considers that the application discloses no valid ground of appeal;
- (b) it is satisfied that the applicant 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
- (c) the application does not comply with rule 6 in a substantial respect, and the applicant has not remedied the defect pursuant to a direction under rule 7(1); or
- (d) the applicant fails to comply with a direction of the tribunal.

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

### **Amendment of application**

9.—(1) The applicant may amend the application 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 shall give such further or consequential directions as may be necessary.

(3) The tribunal shall not grant permission to amend in order to add a new ground for contesting the decision unless:—

- (a) such ground is based on matters of law or fact which have come to light since the application was made; or
- (b) it was not practicable to include that ground in the application; or
- (c) the circumstances are exceptional.

### **Withdrawal of application**

10.—(1) The applicant may withdraw his application only with the permission of the tribunal, or if the application has not yet proceeded to a hearing, the President.

(2) Where the tribunal gives permission under paragraph (1) it may:—

- (a) do so on such terms as it thinks fit; and
- (b) instruct the Registrar to publish notice of the withdrawal in one issue of the London, Edinburgh and Belfast Gazettes and in such other manner as the tribunal may direct.

- (3) Where an application is withdrawn:—
- (a) any interim order made under rule 32, other than an order made in respect of costs, shall immediately cease to have effect; and
  - (b) a fresh application may not be brought by the applicant in relation to the decision which was the subject of the application withdrawn.