
STATUTORY INSTRUMENTS

2000 No. 261

The Competition Commission Appeal Tribunal Rules 2000

PART IV

INTERVENTION, CONSOLIDATION AND LOCATION OF PROCEEDINGS

Publication of notice of application

13.—(1) Upon receipt of an application the Registrar shall, subject to any directions or order of the tribunal pursuant to rule 7 or 8, as soon as practicable publish a notice in the London, Edinburgh and Belfast Gazettes and in any other manner as the President may think fit.

(2) The notice referred to in paragraph (1) above shall state—

- (a) that an application has been received;
- (b) the name of the applicant;
- (c) the disputed decision to which the application relates and the person by whom it was made;
- (d) the particulars of the relief sought by the applicant;
- (e) a summary of the principal grounds relied on; and
- (f) that any person who considers that he has sufficient interest may apply to intervene in the proceedings, in accordance with rule 14 below, within one month of publication of the notice.

Addition of parties to the proceedings

14.—(1) Any person who considers he has sufficient interest in the outcome of any proceedings may make a request to the tribunal, in the form required by this rule, for permission to intervene.

(2) The request must be sent to the Registrar within one month of the date upon which the notice in respect of the relevant proceedings is published in accordance with rule 13(1).

(3) The Registrar shall give notice of the request for permission to intervene to all the other parties to the proceedings and invite their observations on that request within a time limit specified in the notice.

(4) A request for permission to intervene shall state—

- (a) the title of the proceedings to which that request relates;
- (b) the name and address of the person wishing to intervene;
- (c) the name and address of his legal representative, if appropriate;
- (d) an address for service in the United Kingdom.

(5) The request shall contain—

- (a) (5) (a) a concise statement of the matters in issue in the proceedings which affect the person making the request;
- (b) the name of any party whose position the person making the request intends to support; and

(c) a succinct presentation of the reasons for making the request.

(6) If the tribunal is satisfied, having taken into account the observations of the parties, that the person wishing to intervene has a sufficient interest, it may permit the intervention on such terms and conditions as it thinks fit.

(7) On granting permission in accordance with paragraph (6) of this rule, the tribunal shall give all such consequential directions as it considers necessary with regard, in particular, to the service on the intervener of documents lodged with the Registrar, the submission by the intervener of a statement of intervention and, if appropriate, the submission by the principal parties of a response to the statement of intervention.

(8) In making any order under this rule, section 56 of the Act shall apply to the tribunal as it applies to the Director.

(9) The statement of intervention shall contain—

- (a) a succinct presentation of the facts and arguments supporting the intervention;
- (b) the relief sought by the intervener; and
- (c) a schedule listing all documents annexed to the intervention and, as far as possible shall have annexed, a copy of every document on which the intervener relies including the written statement of witnesses of fact or expert witnesses, if any.

(10) Rules 6(8), 7, 8 (except 8(1)(b)) and 9 shall apply to the statement of intervention as if references to “rule 6” were references to “rule 14(9)”, references to “the applicant” were references to “the intervener”, references to “the application” were references to “the statement of intervention”, the reference in rule 8(1)(a) above to “ground of appeal” were a reference to “ground for intervention” and the reference in rule 9(3) above to “contesting the decision” were a reference to “supporting the intervention”.

Consolidation of applications

15.—(1) Where two or more applications have been made in respect of the same decision or which involve the same or similar issues, the tribunal may, on the request of a party or of its own motion, order that the applications or any particular issue or matter raised in the applications be consolidated or heard together.

(2) Before making an order under this rule, the tribunal shall invite the parties to the relevant proceedings to submit their observations on the consolidation of the proceedings.

Location of the proceedings

16.—(1) The tribunal shall, as soon as practicable, taking account of the observations of the parties in the application and defence, determine whether the proceedings are proceedings before a tribunal in England and Wales, in Scotland or in Northern Ireland and shall instruct the Registrar to notify the parties of its determination.

(2) In making this determination, the tribunal shall have regard to all matters which appear to it to be relevant and in particular, the part of the United Kingdom where:—

- (a) the applicant is habitually resident or has his principal place of business;
- (b) the majority of the parties are habitually resident or have their principal places of business;
- (c) any agreement, decision or concerted practice to which the disputed decision relates was made or implemented or intended to be implemented;
- (d) any conduct to which the disputed decision relates took place.

(3) The tribunal may hold any meeting, case conference, pre-hearing review or hearing or give any directions in such place as it thinks fit having regard to the just, expeditious and economical conduct of the proceedings.