
STATUTORY INSTRUMENTS

2000 No. 261

The Competition Commission Appeal Tribunal Rules 2000

PART VII

DECISION OF THE TRIBUNAL

Delivery of the decision

25.—(1) The decision of the tribunal shall be delivered in public on the date fixed for that purpose.

(2) The Registrar shall send a copy of the document recording the decision to each party and shall enter it on the register.

(3) The decision of the tribunal shall be treated as having been notified on the date on which a copy of the document recording it is sent to the parties under paragraph (2) of this rule.

Costs

26.—(1) For the purposes of these rules “costs” means—

- (a) if the proceedings are taking place before a tribunal in England and Wales, costs and expenses recoverable in proceedings before the Supreme Court of England and Wales;
- (b) if the proceedings are taking place before a tribunal in Scotland, costs and expenses recoverable in proceedings before the Court of Session; and
- (c) if the proceedings are taking place before a tribunal in Northern Ireland, costs and expenses recoverable in proceedings before the Supreme Court of Northern Ireland.

(2) The tribunal may at its discretion, at any stage of the proceedings make any order it thinks fit in relation to the payment of costs by one party to another in respect of the whole or part of the proceedings and, in determining how much the party is required to pay the tribunal may take account of the conduct of all parties in relation to the proceedings.

(3) Any party against whom an order for costs is made shall, if the tribunal so directs, pay to any other party a lump sum by way of costs, or such proportion of the costs as may be just. The tribunal may assess the sum to be paid pursuant to any order made under paragraph (2) above or may direct that it be assessed by the President or Chairman or dealt with by the detailed assessment of the costs by a costs officer of the Supreme Court or a taxing officer of the Supreme Court of Northern Ireland or by the Auditor of the Court of Session.

(4) Unless the tribunal otherwise directs, any order or direction made pursuant to paragraphs (2) and (3) above may be made in the decision, if the parties so consent, or immediately following delivery of the decision.

(5) The power to award costs pursuant to this rule includes the power to direct any party to pay to the tribunal such sum as may be appropriate in reimbursement of any costs incurred by the tribunal in connection with the summoning or citation of witnesses or the instruction of experts on the tribunal’s behalf.

(6) If a party against whom an order for costs has been made fails to pay those costs within 28 days of the later of

- (a) the date of that order, or,
- (b) where costs are assessed in accordance with paragraph (3) above, the date of that assessment

the person to whom the outstanding amount is due may recover that amount from the debtor as a civil debt due to him.

Interest on penalties

27. If it imposes confirms or varies any penalty, the tribunal may, in addition, order that interest is to be payable on the amount of any such penalty from such date, not being a date earlier than the date upon which the application was made in accordance with rule 6 above, and at such rate, as the tribunal considers appropriate. Unless the tribunal otherwise directs, the rate of interest shall not exceed the rate specified in any Order made pursuant to section 44 of the Administration of Justice Act 1970⁽¹⁾. Such interest is to form part of the penalty and be recoverable as a civil debt in addition to the amount payable on any outstanding penalty notice issued in accordance with section 36 of the Act.

Consent orders

28.—(1) If all the parties agree the terms on which to settle all or any part of the proceedings, they may request the tribunal to make a consent order.

(2) A request for a consent order shall be made by sending to the Registrar:—

- (a) a draft consent order;
- (b) a consent order impact statement; and
- (c) a statement signed by all the parties to the proceedings or their legal representatives requesting that an order be made in the form of the draft.

(3) A consent order impact statement shall provide an explanation of the draft consent order, including an explanation of the circumstances giving rise to the draft order, the relief to be obtained if the order is made and the anticipated effects on competition of that relief.

(4) If the tribunal considers that a proposed consent order may have a significant effect on competition, it shall direct the Registrar as soon as practicable following receipt of the request to publish a notice in one issue of the London, Edinburgh and Belfast Gazettes and in such other manner as the tribunal may direct.

(5) The notice referred to in paragraph (4) above shall state:—

- (a) that a request for a consent order has been received;
- (b) the name of each of the parties to the proceedings;
- (c) the particulars of the relief sought by those parties; and
- (d) that the draft consent order and consent order impact statement may be inspected at the Tribunal address for service or such other place as may be mentioned in the notice and

shall exclude any information of a confidential nature.

(6) Any person may send his comments upon a request for a consent order to the Registrar within one month of the date upon which the notice was published in accordance with paragraph (4) above.

(1) 1970 c. 31.

(7) Comments supplied in accordance with paragraph (6) above shall be in writing, signed by the commentator and shall state the title of the proceedings to which the comments relate and the name and address of the commentator.

(8) The Registrar shall send all comments received in accordance with paragraph (6) above to all parties to the proceedings. Any party to the proceedings may within 14 days of receipt of the comments send a response to the comments to the Registrar.

(9) In respect of any request for a consent order the tribunal may, as it thinks fit, after hearing the parties and considering the comments of third parties

- (a) make the order in the terms requested;
- (b) invite the parties to vary the terms; or
- (c) refuse to make any order.