
STATUTORY INSTRUMENTS

2000 No. 261

The Competition Commission Appeal Tribunal Rules 2000

**PART XI
SUPPLEMENTARY**

Power of President and Chairman to exercise powers of tribunal

33.—(1) Any act required or authorised by these rules, not being one required or authorised by the following rules—

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| (a) | (a) rule 8 | <i>(power to strike out applications);</i> |
| (b) | (b) rule 9 | <i>(amendment of application);</i> |
| (c) | (c) rule 10 | <i>(as regards withdrawal of an application during or after the hearing);</i> |
| (d) | (d) rule 17 (except sub-paragraphs (2)(h) and (2)(i)) | <i>(directions);</i> |
| (e) | (e) rule 18 | <i>(pre hearing review);</i> |
| (f) | (f) rule 24 | <i>(procedure at the hearing);</i> |
| (g) | (g) rule 25 | <i>(delivery of the decision);</i> |
| (h) | (h) rule 26 | <i>(costs);</i> |
| (i) | (i) rule 28 | <i>(consent orders);</i> |
| (j) | (j) rules 29 and 30 | <i>(appeals);</i> |
| (k) | (k) rule 31 | <i>(references to the European Court);</i> |
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may be done by the President acting alone.

(2) In relation to particular proceedings, the powers of the President may be exercised by a Chairman of the tribunal constituted to deal with those proceedings except the powers conferred by rule 32 (*interim orders and measures*).

Documents etc.

34.—(1) Any document required to be sent to or served on any person in accordance with these rules may be:—

- (a) delivered personally at his appropriate address;
- (b) sent to him at his appropriate address by first class post;
- (c) served through a document exchange;

- (d) where authorised by the tribunal, sent to him by facsimile or electronic mail or other similar means.
- (2) A document which is sent to or served in accordance with these rules shall be treated as if it had been received by or served on that person—
 - (a) in the case of personal delivery, on the day of delivery;
 - (b) when sent by first class post or through a document exchange, on the second day after it was posted or left at the document exchange;
 - (c) in the case of a facsimile transmitted before 4 p.m. on a business day, on that day and in any other case on the business day after it is transmitted;
 - (d) in the case of electronic mail or similar means, on the second day after the day on which it is transmitted.
- (3) Subject to paragraph (2)(c) above, if a document is served after 5 p.m. on any day, the document shall be treated as having been served on the next business day.
- (4) For the purposes of these rules “business day” means any day except Saturday, Sunday or a Bank Holiday, and Bank Holiday includes Christmas Day and Good Friday.
- (5) A person’s appropriate address for the purposes of paragraph (1) is:—
 - (a) in the case of a document directed to the tribunal or to the Registrar, the Tribunal address for service;
 - (b) in the case of a document directed to the applicant or to his representative, the address stated in the application in accordance with rule 6(4)(c) or such other address as may be subsequently notified to the tribunal;
 - (c) in the case of a document addressed to the respondent, the address stated in the defence in accordance with rule 12(2)(c) or such other address as may be subsequently notified to the tribunal;
 - (d) in the case of an intervener, the address stated in the request to intervene in accordance with rule 14(4)(d) or such other address as may be subsequently notified to the tribunal.
- (6) Anything required to be sent to or served on a company is duly sent or served if it is sent to or served on the secretary of the company at its principal place of business or registered address on the date of service.
- (7) Anything required to be sent or delivered to or served on a partnership is duly sent or served if it is sent to or served on any one of the partners for the time being.

Time

35.—(1) Where a period expressed in days, weeks or months is to be calculated from the moment at which an event occurs or an action takes place, the day during which that event occurs or that action takes place shall not be counted as falling within the period in question.

(2) A period expressed in weeks or months shall end with the expiry of whichever day in the last week or month is that same day of the week or falls on the same date in the month, as the day during which the event or action from which the period is to be calculated occurred or took place. If, in a period expressed in months, the day on which it should expire does not occur in the last month, the period shall end with the last day of that month.

(3) Where the time prescribed by the President, a Chairman, the Registrar or the tribunal or by these rules for doing any act expires on a day which is not a business day, the act is in time if done on the next following business day.

Irregularities

36.—(1) Any irregularity resulting from failure to comply with any provision of these rules before the tribunal has reached its decision shall not of itself render the proceedings void.

(2) Where any such irregularity comes to the attention of the tribunal, the tribunal may, and must if it considers any person may have been prejudiced by the irregularity, give such directions as it thinks just to cure or waive the irregularity before reaching its decision.

(3) Clerical mistakes in any document recording a direction, order or decision of the President, Registrar, a Chairman or tribunal, or errors arising in such a document from an accidental slip or omission, may be corrected by the President, Registrar or Chairman by certificate under his hand.

General power of the tribunal

37.—(1) Subject to the provisions of these rules, the tribunal may regulate its own procedure.

(2) The President may issue practice directions in relation to the procedures provided for by these rules.