

---

STATUTORY INSTRUMENTS

---

**2003 No. 1372**

**The Competition Appeal Tribunal Rules 2003**

**PART IV**

**CLAIMS FOR DAMAGES**

***CASE MANAGEMENT***

**Security for costs**

**45.**—(1) A defendant to a claim for damages may by request under this rule seek security for his costs of the proceedings.

(2) A request for security for costs must be supported by written evidence.

(3) Where the Tribunal makes an order for security for costs, it shall—

(a) determine the amount of security; and

(b) direct—

(i) the manner in which, and

(ii) the time within which

the security must be given.

(4) The Tribunal may make an order for security for costs under this rule if—

(a) it is satisfied, having regard to all the circumstances of the case, that it is just to make such an order; and

(b) one or more of the conditions in paragraph 5 applies.

(5) The conditions are—

(a) the claimant is an individual—

(i) who is ordinarily resident out of the jurisdiction; and

(ii) is not a person against whom a claim can be enforced under the Brussels Conventions or the Lugano Convention or the Regulation, as defined by section 1(1) of the Civil Jurisdiction and Judgments Act 1982<sup>(1)</sup>;

(b) the claimant is a company or other incorporated body—

(i) which is ordinarily resident out of the jurisdiction; and

(ii) is not a body against whom a claim can be enforced under the Brussels Conventions or the Lugano Convention or the Regulation;

---

(1) 1982 c. 27; section 1(1) is amended by paragraph 1 of Schedule 2 to the Civil Jurisdiction and Judgments Order 2001 (S.I.2001/3929).

- (c) the claimant is an undertaking (whether or not it is an incorporated body, and whether or not it is incorporated inside or outside the United Kingdom) and there is reason to believe that it will be unable to pay the defendant's costs if ordered to do so;
- (d) the claimant has changed his address since the claim was commenced with a view to evading the consequences of the litigation;
- (e) the claimant failed to give his address in the claim form, or gave an incorrect address in that form;
- (f) the claimant is acting as a nominal claimant, other than under section 47B of the 1998 Act, and there is reason to believe that he will be unable to pay the defendant's costs if ordered to do so;
- (g) the claimant has taken steps in relation to his assets that would make it difficult to enforce an order for costs against him.