
STATUTORY INSTRUMENTS

2003 No. 1372

The Competition Appeal Tribunal Rules 2003

PART III

PROCEEDINGS UNDER THE ENTERPRISE ACT 2002

Application of these rules

25. Parts I, II and V of these rules apply to proceedings under sections 114 or 176(1)(f) (appeals against penalties in merger or market investigations), section 120 (review of merger decisions) and section 179 (review of market investigation decisions), save as otherwise provided in this Part.

Time for commencing proceedings for a review under section 120 of the 2002 Act

26. An application under section 120(1) of the 2002 Act for the review of a decision in connection with a reference or possible reference in relation to a relevant merger situation or a special merger situation, must be made within four weeks of the date on which the applicant was notified of the disputed decision, or the date of publication of the decision, whichever is the earlier.

Time for commencing proceedings for a review under section 179 of the 2002 Act

27. An application under section 179(1) of the 2002 Act for review of a decision in connection with a reference or possible reference under Part 4 of that Act (market investigations) must be made within two months of the date on which the applicant was notified of the disputed decision, or the date of publication of the decision, whichever is the earlier.

Supplementary provisions concerning reviews

28.—(1) In proceedings for a review under sections 120 or 179 of the 2002 Act, rules 8 to 16 shall be construed and applied as if references to “appeal ” were references to “application”, references to “the notice of appeal” were references to “the notice of application”, references to the “appellant” were references to the “applicant”, and references to the “grounds of appeal” were references to the “grounds of review ”.

(2) Rule 8(2) shall apply to the time for commencing proceedings under rules 26 and 27 as it does to the time for commencing an appeal under rule 8(1).

(3) In proceedings for a review under section 120 of the 2002 Act, rule 14(1) shall apply with the substitution of “four weeks” for “six weeks”.

(4) The Tribunal’s power to reject an appeal under rule 10 includes a power to reject an application for review if it considers that the applicant is not a person aggrieved by the decision in respect of which the review is sought.

Appeals in relation to penalties under sections 114 or 176(1)(f) of the 2002 Act

29.—(1) An appeal against a penalty brought under section 114 or 176(1)(f) of the 2002 Act must be made by sending a notice of appeal to the Registrar so that it is received within the period of 28 days starting with—

- (a) in the case of an appeal against a penalty imposed by a notice under section 112(1) of that Act, the day on which a copy of the notice was served on the person concerned;
- (b) in the case of an appeal against a decision on an application under section 112(3), the day on which the person concerned was notified of the decision.

(2) In an appeal against a penalty brought under section 114 or 176(1)(f) of the 2002 Act, rule 14(1) shall apply with the substitution of “three weeks” for “six weeks”.

(3) Rules 15 and 16 shall not apply to appeals against penalties under sections 114 or 176(1)(f) of the 2002 Act.