
STATUTORY INSTRUMENTS

2003 No. 1372

The Competition Appeal Tribunal Rules 2003

PART IV

CLAIMS FOR DAMAGES

CASE MANAGEMENT

Case management generally

44.—(1) In determining claims for damages the Tribunal shall actively exercise the Tribunal's powers set out in rules 17 (Consolidation), 18 (Forum), 19 (Directions), 20 (Case management conference etc.), 21 (Timetable for the oral hearing), 22 (Evidence), 23 (Summoning or citing of witnesses) and 24 (Failure to comply with directions) with a view to ensuring that the case is dealt with justly.

- (2) Dealing with a case justly includes, so far as is practicable—
- (a) ensuring that the parties are on an equal footing;
 - (b) saving expense;
 - (c) dealing with the case in ways which are proportionate—
 - (i) to the amount of money involved;
 - (ii) to the importance of the case;
 - (iii) to the complexity of the issues; and
 - (iv) to the financial position of each party;
 - (d) ensuring that it is dealt with expeditiously and fairly; and
 - (e) allotting to it an appropriate share of the Tribunal's resources, while taking into account the need to allot resources to other cases.
- (3) The Tribunal may in particular—
- (a) encourage and facilitate the use of an alternative dispute resolution procedure if the Tribunal considers that appropriate;
 - (b) dispense with the need for the parties to attend any hearing;
 - (c) use technology actively to manage cases.

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 whichthe 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⁽¹⁾;
 - (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;
 - (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.

(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).