
STATUTORY INSTRUMENTS

2003 No. 1372

The Competition Appeal Tribunal Rules 2003

PART IV

CLAIMS FOR DAMAGES

COMMENCEMENT OF PROCEEDINGS

Time limit for making a claim for damages

31.—(1) A claim for damages must be made within a period of two years beginning with the relevant date.

(2) The relevant date for the purposes of paragraph (1) is the later of the following—

- (a) the end of the period specified in section 47A(7) or (8) of the 1998 Act in relation to the decision on the basis of which the claim is made;
- (b) the date on which the cause of action accrued.

(3) The Tribunal may give its permission for a claim to be made before the end of the period referred to in paragraph (2)(a) after taking into account any observations of a proposed defendant.

(4) No claim for damages may be made if, were the claim to be made in proceedings brought before a court, the claimant would be prevented from bringing the proceedings by reason of a limitation period having expired before the commencement of section 47A.

Manner of commencing proceedings under section 47A of the 1998 Act

32.—(1) A claim for damages under section 47A of the 1998 Act must be made by sending a claim form to the Registrar within the period specified in rule 31(1).

(2) The claim form referred to in paragraph (1) shall state—

- (a) the full name and address of the claimant;
- (b) the full name and address of the claimant's legal representative, if appropriate;
- (c) an address for service in the United Kingdom; and
- (d) the name and address of the defendant to the proceedings.

(3) The claim form shall contain—

- (a) a concise statement of the relevant facts, identifying any relevant findings in the decision on the basis of which the claim for damages is being made;
- (b) a concise statement of any contentions of law which are relied on;
- (c) a statement of the amount claimed in damages, supported with evidence of losses incurred and of any calculations which have been undertaken to arrive at the claimed amount;
- (d) such other matters as may be specified by practice direction,

and its contents shall be verified by a statement of truth signed and dated by the claimant or on his behalf by his duly authorised officer or his legal representative.

(4) There shall be annexed to the claim form—

- (a) a copy of the decision on the basis of which the claim for damages is being made;
- (b) as far as practicable a copy of all essential documents on which the claimant relies.

(5) Unless the Tribunal otherwise directs, the signed original of the claim form (and its annexes) must be accompanied by ten copies certified by the claimant or his legal representative as conforming to the original.

Manner of commencing proceedings under section 47B of the 1998 Act

33.—(1) Where a claim for damages is made under section 47B of the 1998 Act by a specified body on behalf of consumers the claim form shall in addition to the information required by rule 32—

- (a) contain the name and address of the specified body and a concise statement of the object or activities of that body;
- (b) contain the names and addresses of the persons it seeks to represent;
- (c) be accompanied by a document or documents, giving consent to the specified body by each of the individuals listed in the claim form to act on his behalf;
- (d) indicate whether each individual listed in connection with the claim is a “consumer” for the purposes of section 47B of the 1998 Act.

(2) A claim for damages commenced under section 47A of the 1998 Act may be continued by a specified body under section 47B of that Act subject to such directions as may be given by the Tribunal.

Amendment

34. A claim form may only be amended—

- (a) with the written consent of all the parties; or
- (b) with the permission of the Tribunal.

Addition of parties

35. The Tribunal may, after hearing the parties, grant permission for one or more parties to be joined in the proceedings in addition or in substitution to the existing parties.