

---

STATUTORY INSTRUMENTS

---

**2003 No. 1372**

**The Competition Appeal Tribunal Rules 2003**

**PART IV**

**CLAIMS FOR DAMAGES**

***SUMMARY DISPOSAL***

**Power to reject**

**40.**—(1) The Tribunal may, of its own initiative or on the application of a party, after giving the parties an opportunity to be heard, reject in whole or in part a claim for damages at any stage of the proceedings if—

- (a) it considers that there are no reasonable grounds for making the claim;
- (b) in the case of proceedings under section 47B of the 1998 Act it considers that the body bringing the proceedings is not entitled to do so, or that an individual on whose behalf the proceedings are brought is not a consumer for the purposes of that section;
- (c) it is satisfied that the claimant has habitually and persistently and without any reasonable ground—
  - (i) instituted vexatious proceedings, whether against the same person or different persons; or
  - (ii) made vexatious applications in any proceedings; or
- (d) the claimant fails to comply with any rule, direction, practice direction or order of the Tribunal.

(2) When the Tribunal rejects a claim it may enter judgment on the claim in whole or in part or make any other consequential order it considers appropriate.

**Summary judgment**

**41.**—(1) The Tribunal may of its own initiative or on the application of a party, after giving the parties an opportunity to be heard, give summary judgment in a claim for damages or reject in whole or in part a claim or defence in a claim for damages if—

- (a) it considers that—
  - (i) the claimant has no real prospect of succeeding on the claim or issue; or
  - (ii) the defendant has no reasonable grounds for defending the claim or issue; and
- (b) there is no other compelling reason why the case or issue should be disposed of at a substantive hearing.

(2) The Tribunal shall not exercise its power under this rule before the filing of the defence.

(3) The Tribunal shall give such directions as it considers appropriate for dealing with a request under this rule.

---

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

---

(4) Upon giving summary judgment the Tribunal may make any consequential order it considers appropriate.

**Withdrawal**

**42.**—(1) The claimant may withdraw his claim only—

- (a) with the consent of the defendant; or
- (b) with the permission of the President or, if the case has proceeded to a hearing, the Tribunal.

(2) Where a claim is withdrawn—

- (a) the Tribunal may make any consequential order it thinks fit;
- (b) no further claim may be brought by the claimant in respect of the same subject matter.