
STATUTORY INSTRUMENTS

2015 No. 1648

The Competition Appeal Tribunal Rules 2015

PART 6

GENERAL AND SUPPLEMENTARY

SUPPLEMENTARY

Documents etc.

111.—(1) Subject to paragraph (16), any document required to be sent to or served on any person for the purposes of proceedings under these Rules (including documents required to be sent to the Registrar for filing) may be—

- (a) delivered personally at the appropriate address;
- (b) sent to that person at the appropriate address by first class post;
- (c) served through a document exchange or by any other service which provides for delivery on the next business day;
- (d) where authorised by the Tribunal, sent to that person by fax or other means of electronic communication; or
- (e) sent or served in such other manner as may be specified by practice direction.

(2) Where it appears to the Tribunal that there is a good reason to authorise service by a method or at a place not otherwise permitted by these Rules, the Tribunal may of its own initiative or on the request of a party make an order permitting and specifying an alternative method of service or place, and specifying when the document is to be deemed to be served.

(3) The Tribunal may dispense with service of a document if the interests of justice so require.

(4) A document which is filed, sent to or served on a person in accordance with these Rules is to be treated as if it had been filed, received by or served on that person—

- (a) in the case of personal delivery, on the day of delivery;
- (b) when sent by first class post, through a document exchange or any other service in accordance with paragraph (1)(c), on the second day after it was posted or left at the document exchange or delivered to or collected by the relevant service provider; and
- (c) in the case of a fax or other electronic communication sent on a business day before 5pm, on that day, or in any other case, on the next business day.

(5) If a document (other than a fax or other electronic communication) is filed, sent or served or is treated in accordance with paragraph (4) as having been filed, sent or served at or after 5pm on a business day, or at any time on a Saturday, Sunday or a Bank Holiday, the document is to be treated as having been filed, sent or served on the next business day.

(6) For the purposes of these Rules “business day” means any day except Saturday, Sunday or a Bank Holiday and “Bank Holiday” includes Christmas Day and Good Friday.

(7) With regard to an appeal or application made under Part 2 or 3 of these Rules, the appropriate address for a person for the purposes of paragraph (1) is—

- (a) in the case of a document directed to the appellant or applicant (or to its representative), the address stated in the notice of appeal or notice of application, or such other address as may be subsequently notified to the Tribunal;
- (b) in the case of a document addressed to the respondent, the address stated in the defence, or such other address as may be subsequently notified to the Tribunal;
- (c) in the case of an intervener, the address stated in the request to intervene, or such other address as may be subsequently notified to the Tribunal.

(8) With regard to a claim made or collective proceedings brought under Part 4 or 5 of these Rules, the appropriate address for a person for the purposes of paragraph (1) is—

- (a) in the case of a document directed to the claimant or the person applying for a collective proceedings order, the address stated in the claim form or the collective proceedings claim form or such other address as may be notified by the Tribunal;
- (b) in the case of a claim form to be served on the defendant, subject to paragraph (9), the address of the defendant stated in the claim form or the collective proceedings claim form;
- (c) in the case of any other document addressed to the defendant, the address stated in that defendant's acknowledgment of service filed with the Tribunal or such other address as may be subsequently notified to the Tribunal.

(9) Where—

- (a) the defendant has given in writing the business address within the jurisdiction of a legal representative as an address at which the defendant may be served with the claim form or collective proceedings claim form; or
- (b) a legal representative acting for the defendant has notified the claimant or person applying for a collective proceedings order in writing that the legal representative is instructed by the defendant to accept service of the claim form or collective proceedings claim form on behalf of the defendant at a business address within the jurisdiction,

the claim form or collective proceedings claim form shall be served at the business address of that legal representative.

(10) The appropriate address for the Registrar and Tribunal for the purposes of paragraph (1) is the Tribunal's address for service in accordance with rule 6.

(11) Where the address for service of a party changes, that party shall give notice in writing of the change as soon as it has taken place to the Tribunal and every other party.

(12) Anything required to be sent to or served on a company or other corporation is duly sent or served if it is sent to or served on a person holding a senior position within the company or corporation; and for that purpose, each of the following persons is a person holding a senior position—

- (a) in respect of a registered company or corporation, a director, the treasurer, the secretary of the company or corporation, the chief executive or other officer of the company or corporation; and
- (b) in respect of a company or corporation which is not registered, in addition to any of the persons set out in paragraph (a), the mayor, the chairman, the president, a town clerk or similar officer of the company or corporation.

(13) Anything required to be sent or delivered to or served on a partnership is duly sent or served if it is sent to or served on any one of the partners for the time being or a person who, at the time of service, has the control or management of the partnership business at its principal place of business.

(14) Where—

- (a) a document is to be served by the Tribunal; and
- (b) the Tribunal is unable to serve it,

the Tribunal shall send a notice of non-service, stating the method attempted, to the other parties to the proceedings.

(15) The Registrar shall, at the request of the Tribunal, or any party, certify the steps taken to serve a document in accordance with this rule, including the date and manner of service.

(16) With regard to a claim form or collective proceedings claim form to be served on a defendant outside the jurisdiction (and subject to rules 31, 33(2) and 76(2)), the claimant or person applying for a collective proceedings order shall serve the claim form or collective proceedings claim form by any method permissible under Part 6 of the CPR in relation to proceedings in England and Wales or the equivalent provisions in the equivalent procedural rules for Scotland or Northern Ireland in relation to proceedings taking place in Scotland or Northern Ireland respectively.