
STATUTORY INSTRUMENTS

2015 No. 1648

The Competition Appeal Tribunal Rules 2015

PART 1

INTRODUCTION

Interpretation

2.—(1) In these Rules—

“the 1998 Act” means the Competition Act 1998(1);

“the 2002 Act” means the Enterprise Act 2002;

“the 2003 Act” means the Communications Act 2003;

“additional claim” has the meaning given in rule 39(1);

“a chairman” means a person who falls within one of the categories of persons specified in section 12(2)(aa) to (ac) or (b) of the 2002 Act (constitution of the Competition Appeal Tribunal)(2);

“the chairman” means the chairman of the Tribunal as constituted for particular proceedings;

“class representative” has the meaning given for representative in section 59(1) of the 1998 Act (interpretation)(3) or means a representative of a sub-class who is specified in a collective proceedings order;

“CMA” means the Competition and Markets Authority;

“collective proceedings” means proceedings under section 47B(1) of the 1998 Act (collective proceedings before the Tribunal)(4);

“collective settlement” means settlement under section 49A (collective settlements: where a collective proceedings order has been made) or 49B (collective settlements: where a collective proceedings order has not been made) of the 1998 Act(5);

“collective settlement order” means an order authorising the settlement representative to act in relation to the collective settlement;

“confidentiality ring” means an arrangement set up in accordance with a direction by the Tribunal under which documents are treated as confidential and disclosed only on such terms as the Tribunal thinks fit;

“costs” has the meaning given by rule 104;

“CPR” means the Civil Procedure Rules 1998(6);

(1) 1998 c.41.

(2) Section 12(2)(aa)–(ac) were inserted by section 82(1) of the Consumer Rights Act 2015.

(3) Section 59(1) was amended by paragraph 15 of Schedule 8 to the Consumer Rights Act 2015.

(4) Section 47B was substituted by paragraph 5 of Schedule 8 to the Consumer Rights Act 2015.

(5) Section 49A was inserted by paragraph 10 of Schedule 8 to the Consumer Rights Act 2015 and section 49B was inserted by paragraph 11 of Schedule 8 to that Act.

(6) S.I. 1998/3132, amended by S.I. 2008/2178, S.I. 2009/3131, S.I. 2009/3390, S.I. 2011/88, S.I. 2014/2948 and S.I. 2014/3299; there are other amending instruments but none is relevant to these Rules.

“damages” means any sum of money (other than costs or expenses) which may be awarded in respect of a claim under section 47A (claims for damages etc.) or 47B (collective proceedings) of the 1998 Act⁽⁷⁾;

“disclose”, in rules 60 to 65, has the meaning given in rule 60;

“document” means anything in which information of any description is recorded, in whatever form; and “copy”, in relation to a document, means anything onto which information recorded in the document has been copied, by whatever means and whether directly or indirectly;

“filing”, in relation to a document, means sending it to the Registrar in accordance with rule 111(1);

“foreign defendant” means a defendant domiciled outside the United Kingdom;

“infringement decision” has the meaning given by section 47A(6) of the 1998 Act;

“President” means the person appointed to be President of the Tribunal;

“Registrar” means the person appointed to be Registrar of the Tribunal;

“relevant period”, in rules 47 to 49, has the meaning given in rule 45(1);

“Rule 45 Offer” in rules 45 to 49, has the meaning given in rule 45(1);

“settlement representative” means a person who is authorised by a collective settlement order to act in relation to a collective settlement;

“specified price control matter” means a price control matter⁽⁸⁾ specified in rule 116(1);

“statement of truth” means a statement that the party putting forward a document, or in the case of a witness statement, the maker of the witness statement, believes the facts stated in the document or witness statement are true;

“sub-class” means a member of a distinct class of class members, described in the collective proceedings order or a collective settlement order, as the case may be;

“TFEU” means the Treaty on the Functioning of the European Union⁽⁹⁾;

“Tribunal” means (a) the Competition Appeal Tribunal or (b) in relation to any proceedings, the tribunal as constituted for the purposes of those proceedings, as the context requires; and

“undertaking as to damages” means an undertaking to pay damages which a person sustains as a result of an interim injunction or other interim order and which the Tribunal considers the person in whose favour the injunction or other order is granted should pay.

(2) These Rules are to be applied by the Tribunal and interpreted in accordance with the governing principles set out in rule 4.

⁽⁷⁾ Section 47A was substituted by paragraph 4 of Schedule 8 to the Consumer Rights Act 2015.

⁽⁸⁾ A “price control matter” is defined in section 193 of the Communications Act 2003 (c. 21).

⁽⁹⁾ OJ No C83, 30.3.2010, p.47.