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STATUTORY INSTRUMENTS

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**2015 No. 1648**

**The Competition Appeal Tribunal Rules 2015**

**PART 4**

**CLAIMS UNDER SECTION 47A OF THE 1998 ACT**

**ADDITIONAL PARTIES AND ADDITIONAL CLAIMS**

**Additional parties**

**38.**—(1) The Tribunal may grant permission to remove, add or substitute a party in the proceedings.

(2) An application for permission under this rule shall be served on the parties to the proceedings and may be made by—

- (a) an existing party; or
- (b) a person who wishes to become a party.

(3) The Tribunal may order any person to cease to be a party if it is not desirable for that person to be a party to the proceedings.

(4) Before the expiry of a relevant period of limitation, the Tribunal may order a person to be added as a new party if—

- (a) it is desirable to add or substitute the new party so that the Tribunal can resolve the matters in dispute in the proceedings; or
- (b) there is an issue involving the new party and an existing party that is connected to the matters in dispute in the proceedings, and it is desirable to add the new party so as to resolve that issue.

(5) Before the expiry of a relevant period of limitation, the Tribunal may order a new party to be substituted for an existing one if—

- (a) the existing party's interest or liability has passed to the new party; and
- (b) it is desirable to substitute the new party so that the court can resolve the matters in dispute in the proceedings.

(6) After the expiry of a relevant period of limitation, the Tribunal may add or substitute a party only if—

- (a) that limitation period was current when the proceedings were started; and
- (b) the addition or substitution is necessary.

(7) The addition or substitution of a new party, as the case may be, is necessary for the purpose of paragraph (6)(b) only if the Tribunal is satisfied that—

- (a) the new party is to be substituted for a party who was named in the claim form by mistake;
- (b) the claim cannot properly be carried on by or against the original party unless the new party is added or substituted as claimant or defendant; or

- (c) the original party has died or had a bankruptcy order made against it and its interest or liability has passed to the new party.