
STATUTORY INSTRUMENTS

2015 No. 1648

The Competition Appeal Tribunal Rules 2015

PART 4

CLAIMS UNDER SECTION 47A OF THE 1998 ACT

SECURITY FOR COSTS

Security for costs

59.—(1) A defendant to a claim may seek security for its costs of the proceedings.

(2) A request for security for costs shall be supported by written evidence.

(3) Where the Tribunal makes an order for security for costs, it shall—

- (a) determine the amount of security; and
- (b) direct—
 - (i) the manner in which, and
 - (ii) the time within which,

the security must be given.

(4) The Tribunal may make an order for security for costs under this rule if it is satisfied, having regard to all the circumstances of the case, that it is just to make such an order, and—

- (a) one or more of the conditions in paragraph (5) or, as the case may be, paragraph (6) applies; or
- (b) an enactment permits the Tribunal to require security for costs.

(5) Where a defendant seeks security for costs against the claimant, the conditions are that—

- (a) the claimant is—
 - (i) resident out of the jurisdiction; but
 - (ii) not resident in a Brussels Contracting State, a State bound by the Lugano Convention or a Regulation State, as defined in section 1(3) of the Civil Jurisdiction and Judgments Act 1982⁽¹⁾;
- (b) the claimant is a company or other body (whether incorporated in or outside the United Kingdom) and there is reason to believe that it will be unable to pay the defendant's costs if ordered to do so;
- (c) the claimant has changed its address since the claim was commenced with a view to evading the consequences of the litigation;
- (d) the claimant failed to give its address in the claim form, or gave an incorrect address in that form;

(1) 1982 c. 27; relevant amendments were made to section 1 by section 2(2) of the Civil Jurisdiction and Judgments Act 1991 (c. 12), S.I. 1989/1346, S.I. 1990/2591, S.I. 2000/1824, S.I. 2007/1655, S.I. 2009/3131, S.I. 2012/1809 and S.I. 2014/2947.

- (e) the claimant is acting as a nominal claimant, other than under section 47B of the 1998 Act (collective proceedings)(2), and there is reason to believe that it will be unable to pay the defendant's costs if ordered to do so;
 - (f) the claimant has been authorised to act as the class representative in collective proceedings under rule 78 and there is reason to believe that the claimant will be unable to pay the defendant's costs if ordered to do so;
 - (g) the claimant has taken steps in relation to its assets that would make it difficult to enforce an order for costs against it.
- (6) Where a defendant seeks security for costs against someone other than the claimant, the conditions are that the person—
- (a) has assigned the right to the claim to the claimant with a view to avoiding the possibility of a costs order being made against the person; or
 - (b) has contributed or agreed to contribute to the claimant's costs in return for a share of any money or property which the claimant may recover in the proceedings,
- and is a person against whom a costs order may be made.

(2) 1998 c. 41; section 47B was substituted by paragraph 5 of Schedule 8 to the Consumer Rights Act 2015 (c. 15).