
STATUTORY INSTRUMENTS

2000 No. 261

The Competition Commission Appeal Tribunal Rules 2000

PART X

INTERIM ORDERS AND MEASURES

Power to make interim orders and to take interim measures

32.—(1) The tribunal may make an order granting on an interim basis any remedy which the tribunal would have the power to grant in its final decision.

(2) Without prejudice to the generality of the foregoing, if the tribunal considers that it is necessary as a matter of urgency for the purpose of:—

- (a) preventing serious, irreparable damage to a particular person or category of person, or
- (b) protecting the public interest

the tribunal may make an order giving such directions as it considers appropriate for that purpose.

(3) The tribunal may make an order:

- (a) suspending the effect of the disputed decision in whole or part; or
- (b) varying any or all of the conditions or obligations attached to an exemption.

(4) The tribunal shall exercise its power under this rule taking into account all the relevant circumstances, including:—

- (a) the urgency of the matter;
- (b) the effect on the party making the request if the interim order is not made; and
- (c) the effect on competition if the interim order is made.

(5) Any order or direction under this rule is subject to the tribunal's further order or final decision.

(6) A person shall apply for an order under this rule by sending a request for interim relief in the form required by paragraph (7) below to the Registrar.

(7) The request for interim relief shall state:—

- (a) the subject matter of the proceedings;
- (b) in the case of a request for an order pursuant to paragraph (2) of this rule, the circumstances giving rise to the urgency;
- (c) the factual and legal grounds establishing a prima facie case for the interim order being made by the tribunal;
- (d) the relief sought;
- (e) if no application has been made in accordance with rule 6, in respect of the decision which is the subject of the request for interim relief, the information required by rule 6(4) above.

(8) On receiving a request for interim relief the Registrar shall send a copy to all the other parties to the proceedings (and where no application has been made in accordance with rule 6, to the competent

Status: This is the original version (as it was originally made).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

person who made the decision to which the request for interim relief relates) and shall inform them of the date by which they may submit written or oral observations to the tribunal.

(9) The tribunal shall fix a date for the hearing of the request for interim relief and give the parties any directions as may be necessary for disposing of that request.

(10) If the urgency of the case so requires, the tribunal may dispense with a written request for interim relief or grant the request for interim relief before the observations of the other parties have been submitted.

(11) Unless the context otherwise requires, these rules apply to requests for interim relief.