
STATUTORY INSTRUMENTS

2003 No. 1372

The Competition Appeal Tribunal Rules 2003

PART II

APPEALS

CASE MANAGEMENT

Directions

19.—(1) The Tribunal may at any time, on the request of a party or of its own initiative, at a case management conference, pre-hearing review or otherwise, give such directions as are provided for in paragraph (2) below or such other directions as it thinks fit to secure the just, expeditious and economical conduct of the proceedings.

(2) The Tribunal may give directions—

- (a) as to the manner in which the proceedings are to be conducted, including any time limits to be observed in the conduct of the oral hearing;
 - (b) that the parties file a reply, rejoinder or other additional pleadings or particulars;
 - (c) for the preparation and exchange of skeleton arguments;
 - (d) requiring persons to attend and give evidence or to produce documents;
 - (e) as to the evidence which may be required or admitted in proceedings before the Tribunal and the extent to which it shall be oral or written;
 - (f) as to the submission in advance of a hearing of any witness statements or expert reports;
 - (g) as to the examination or cross-examination of witnesses;
 - (h) as to the fixing of time limits with respect to any aspect of the proceedings;
 - (i) as to the abridgement or extension of any time limits, whether or not expired;
 - (j) to enable a disputed decision to be referred back in whole or in part to the person by whom it was taken;
 - (k) for the disclosure between, or the production by, the parties of documents or classes of documents;
 - (l) for the appointment and instruction of experts, whether by the Tribunal or by the parties and the manner in which expert evidence is to be given;
 - (m) for the award of costs or expenses, including any allowances payable to persons in connection with their attendance before the Tribunal; and
 - (n) for hearing a person who is not a party where, in any proceedings, it is proposed to make an order or give a direction in relation to that person.
- (3) The Tribunal may, in particular, of its own initiative—
- (a) put questions to the parties;

- (b) invite the parties to make written or oral submissions on certain aspects of the proceedings;
- (c) ask the parties or third parties for information or particulars;
- (d) ask for documents or any papers relating to the case to be produced;
- (e) summon the parties' representatives or the parties in person to meetings.

(4) A request by a party for directions shall be made in writing as soon as practicable and shall be served by the Registrar on any other party who might be affected by such directions and determined by the Tribunal taking into account the observations of the parties.

Case management conference etc.

20.—(1) Where it appears to the Tribunal that any proceedings would be facilitated by holding a case management conference or pre-hearing review the Tribunal may, on the request of a party or of its own initiative, give directions for such a conference or review to be held.

(2) Unless the Tribunal otherwise directs, a case management conference shall be held as soon as practicable after the filing of an appeal, whether or not the time for service of the defence has expired.

(3) A case management conference or pre-hearing review shall be held in private unless the Tribunal otherwise directs.

(4) The purpose of a case management conference or pre-hearing review shall be—

- (a) to ensure the efficient conduct of the proceedings;
- (b) to determine the points on which the parties must present further argument or which call for further evidence to be produced;
- (c) to clarify the forms of order sought by the parties, their arguments of fact and law and the points at issue between them;
- (d) to ensure that all agreements that can be reached between the parties about the matters in issue and the conduct of the proceedings are made and recorded;
- (e) to facilitate the settlement of the proceedings.

(5) The Tribunal may authorise a person qualified for appointment to the panel of chairmen to carry out on its behalf a case management conference, pre-hearing review or any other preparatory measure relating to the organisation or disposal of the proceedings.

Timetable for the oral hearing

21. As soon as practicable, the Tribunal shall—

- (a) set a timetable outlining the steps to be taken by the parties pursuant to the directions of the Tribunal in preparation for the oral hearing of the proceedings;
- (b) fix the date for the oral hearing;
- (c) notify the parties in writing of the date and place for the oral hearing and of any timetable for that hearing; and
- (d) if it considers it necessary for the expeditious disposal of the proceedings, send the parties a report for the hearing summarising the factual context of the case and the parties' principal submissions.

Evidence

22.—(1) The Tribunal may control the evidence by giving directions as to—

- (a) the issues on which it requires evidence;
- (b) the nature of the evidence which it requires to decide those issues; and

- (c) the way in which the evidence is to be placed before the Tribunal.
- (2) The Tribunal may admit or exclude evidence, whether or not the evidence was available to the respondent when the disputed decision was taken.
- (3) The Tribunal may require any witness to give evidence on oath or affirmation or if in writing by way of affidavit.
- (4) The Tribunal may allow a witness to give evidence through a video link or by other means.
- (5) The Tribunal may dispense with the need to call a witness to give oral evidence if a witness statement has been submitted in respect of that witness.

Summoning or citing of witnesses

23.—(1) Subject to paragraphs (2) and (3) below, the Tribunal may, at any time, either of its own initiative or at the request of any party, issue a summons, (or in relation to proceedings taking place in Scotland, a citation), requiring any person wherever he may be in the United Kingdom to do one or both of the following—

- (a) to attend as a witness before the Tribunal, at the time and place set out in the summons or citation; and
 - (b) to answer any questions or produce any documents or other material in his possession or under his control which relate to any matter in question in the proceedings.
- (2) A request by a party for the issue of a summons or citation under this rule shall state with reasons—
- (a) upon which facts the witness is to be questioned and the reasons for the examination;
 - (b) the documents required to be produced.
- (3) No person may be required to attend in compliance with a summons or citation under this rule unless—
- (a) he has been given at least seven days' notice of the hearing; and
 - (b) he is paid such sum as would be recoverable by that witness in respect of his attendance in proceedings before the Supreme Court of England and Wales, the Court of Session or the Supreme Court of Northern Ireland.
- (4) The Tribunal may make the summoning or citation of a witness in accordance with paragraph (1) conditional upon the deposit with the Registrar of a sum determined by the Tribunal as sufficient to cover—
- (a) the costs of the summons or citation;
 - (b) the sum referred to in paragraph (3)(b).
- (5) The Registrar shall advance the funds necessary in connection with the examination of any witness summoned by the Tribunal of its own initiative.

Failure to comply with directions

24. If any party fails to comply with any direction given in accordance with these rules, the Tribunal may if it considers that the justice of the case so requires, order that such party be debarred from taking any further part in the proceedings without the permission of the Tribunal.