
STATUTORY INSTRUMENTS

2015 No. 1648

The Competition Appeal Tribunal Rules 2015

PART 5

COLLECTIVE PROCEEDINGS AND COLLECTIVE SETTLEMENTS

COLLECTIVE PROCEEDINGS

Authorisation of the class representative

- 78.**—(1) The Tribunal may authorise an applicant to act as the class representative—
- (a) whether or not the applicant is a class member, but
 - (b) only if the Tribunal considers that it is just and reasonable for the applicant to act as a class representative in the collective proceedings.
- (2) In determining whether it is just and reasonable for the applicant to act as the class representative, the Tribunal shall consider whether that person—
- (a) would fairly and adequately act in the interests of the class members;
 - (b) does not have, in relation to the common issues for the class members, a material interest that is in conflict with the interests of class members;
 - (c) if there is more than one applicant seeking approval to act as the class representative in respect of the same claims, would be the most suitable;
 - (d) will be able to pay the defendant's recoverable costs if ordered to do so; and
 - (e) where an interim injunction is sought, will be able to satisfy any undertaking as to damages required by the Tribunal.
- (3) In determining whether the proposed class representative would act fairly and adequately in the interests of the class members for the purposes of paragraph (2)(a), the Tribunal shall take into account all the circumstances, including—
- (a) whether the proposed class representative is a member of the class, and if so, its suitability to manage the proceedings;
 - (b) if the proposed class representative is not a member of the class, whether it is a pre-existing body and the nature and functions of that body;
 - (c) whether the proposed class representative has prepared a plan for the collective proceedings that satisfactorily includes—
 - (i) a method for bringing the proceedings on behalf of represented persons and for notifying represented persons of the progress of the proceedings; and
 - (ii) a procedure for governance and consultation which takes into account the size and nature of the class; and
 - (iii) any estimate of and details of arrangements as to costs, fees or disbursements which the Tribunal orders that the proposed class representative shall provide.

(4) If the represented persons include a sub-class of persons whose claims raise common issues that are not shared by all the represented persons, the Tribunal may authorise a person who satisfies the criteria for approval in paragraph (1) to act as the class representative for that sub-class.

Changes to legislation:

There are currently no known outstanding effects for the The Competition Appeal Tribunal Rules 2015, Section 78.