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## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules replace the Competition Appeal Tribunal Rules 2003 (S.I. 2003/1372) and the Competition Appeal Tribunal (Amendment and Communications Act Appeals) Rules 2004 (S.I. 2004/2068), which are revoked subject to savings in rule 119.

The Rules prescribe the procedure to be followed before the Competition Appeal Tribunal established by section 12 of the Enterprise Act 2002 (c. 40) in relation to proceedings before the Tribunal including proceedings under the Competition Act 1998 (c. 41), the Enterprise Act 2002 and the Communications Act 2003 (c. 21).

Part 1 of the Rules contains general provisions including definitions, the governing principles in accordance with which the Rules are to be applied and interpreted by the Tribunal and requirements on parties to co-operate.

Part 2 contains general provision governing the procedure for all proceedings before the Tribunal including provision in relation to the commencement of appeal proceedings and the response to an appeal. Part 2 also contains provision on the preparation of cases for hearing, including the Tribunal's case management powers and provisions regarding evidence and witnesses and the Tribunal's powers to make interim orders.

Part 3 makes specific provision in relation to proceedings under the Enterprise Act 2002 for the review by the Tribunal of decisions in connection with mergers and market investigations and for appeals against penalties under that Act.

Part 4 makes provision in relation to proceedings under section 47A of the Competition Act 1998 (private actions claiming damages for breaches of competition law) as substituted by Schedule 8 to the Consumer Rights Act 2015 (c. 15). This Part provides for the commencement of claims, responses to claims and offers to settle. It includes case management powers for the Tribunal, as well as the power to strike out claims, order similar matters to be heard together, and to add or substitute parties. Part 4 also includes rules reflecting the changes to the regime for private actions introduced by the Consumer Rights Act 2015. In particular, it provides for a fast-track procedure for simpler cases, gives the Tribunal the power to grant injunctions and provides for disclosure in private actions, including pre-action disclosure.

Part 5 regulates the procedure for collective actions under section 47B of the Competition Act 1998 as substituted by the Consumer Rights Act 2015 (which involve a case being brought forward on behalf of a group of claimants to obtain compensation for their losses). It also introduces rules relating to opt-out collective proceedings, which sit alongside the existing opt-in regime. In opt-out proceedings eligible consumers or businesses are automatically included in the proceedings unless they actively choose not to be. It also includes procedure for the authorisation of a class representative and for the certification of claims as being eligible for inclusion in collective proceedings. Part 5 also contains provision for collective settlements.

Part 6 contains general and supplementary provision regarding proceedings before the Tribunal, including provision on hearings, decisions and on appeals from decisions of the Tribunal.

Part 7 contains provision in relation to the reference of price control matters to the Competition and Markets Authority under the Communications Act 2003.

Part 8 revokes existing Rules and makes savings and Part 9 provides for the Secretary of State to review the operation and effect of the Rules and publish a report before 1st October 2020 and every five years after that. Following a review it will fall to the Secretary of State to consider whether the Rules should remain as they are, or be revoked or amended. A further instrument would be needed to revoke the Rules or to amend them.

An impact assessment of the impact that these Rules will have on the costs of business, the voluntary sector and the public sector is available from the Consumer and Competition Policy

**Changes to legislation:** There are currently no known outstanding effects for the  
The Competition Appeal Tribunal Rules 2015. (See end of Document for details)

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0ET and is also published with the Explanatory Memorandum alongside these Rules on  
[www.legislation.gov.uk](http://www.legislation.gov.uk).

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