
STATUTORY INSTRUMENTS

2015 No. 1648

The Competition Appeal Tribunal Rules 2015

PART 4

CLAIMS UNDER SECTION 47A OF THE 1998 ACT

RESPONSE TO A CLAIM

Acknowledgment, service and notification

33.—(1) On receiving a claim the Registrar shall send an acknowledgment of receipt to the claimant and, except where paragraph (2) applies, shall direct that the claimant or its representative serve the claim form on the defendant.

(2) Where service of the claim form outside the jurisdiction requires the permission of the Tribunal in accordance with rule 31, the claim form shall be served on the defendant only if permission is granted.

(3) The Registrar's direction for service under paragraph (1) may specify any matter the Registrar may consider appropriate with regard to the service of the claim form, including—

- (a) the time within and the method by which service of the claim form is to be effected;
- (b) the documents that are to accompany the claim form, including an acknowledgment of service in the form required by the Tribunal;
- (c) the information to be provided to the Registrar by the claimant concerning the date of service and the calculation of the time limit for acknowledging service and filing a defence;
- (d) the provision of any other information that may be required by the Registrar (whether by way of certificate of service verified by a statement of truth, witness statement or otherwise) regarding the service of the claim form; and
- (e) the time within which any information required by the Registrar is to be provided.

(4) The defendant shall within seven days of receipt of the copy of the claim form file an acknowledgment of service of the claim in the form required by the Tribunal.

(5) Where the claim form is served on a foreign defendant, the period for acknowledging service set out in paragraph (4) is varied so as to accord with the period applicable under Part 6 of the CPR in relation to proceedings in England and Wales or the equivalent provisions in the equivalent procedural rules for Scotland or Northern Ireland in relation to proceedings taking place in Scotland or Northern Ireland respectively.

(6) The Registrar shall, as soon as practicable, notify the claimant of the receipt of an acknowledgment of service from a defendant.

(7) The claimant shall send a copy of the claim form to the CMA at the same time as it is served on the other parties to the claim.

(8) The Registrar shall publish a summary of the claim on the Tribunal website and in any other manner the President may direct.

Disputing the Tribunal's jurisdiction

34.—(1) A defendant who wishes to—

- (a) dispute the Tribunal's jurisdiction to hear the claim; or
- (b) argue that the Tribunal should not exercise its jurisdiction,

may apply to the Tribunal for an order declaring that it has no such jurisdiction or should not exercise any jurisdiction which it might have.

(2) A defendant who wishes to make such an application shall first file an acknowledgment of service in accordance with rule 33.

(3) A defendant who files an acknowledgment of service does not by doing so lose any right it may have to dispute the Tribunal's jurisdiction and does not need to file a defence before the hearing of its application under this rule.

(4) An application under this rule shall—

- (a) be made within 14 days after filing an acknowledgment of service; and
- (b) be supported by evidence.

(5) If the defendant—

- (a) files an acknowledgment of service; and
- (b) does not make an application within the period specified in paragraph (4),

the defendant is to be treated as having accepted that the Tribunal has jurisdiction to hear the claim.

(6) An order containing a declaration that the Tribunal has no jurisdiction or will not exercise its jurisdiction may also make further provision as to the disposal or stay of the proceedings.

(7) If on an application under this rule the Tribunal does not make a declaration under paragraph (6), the Tribunal shall give directions regarding the future conduct of the proceedings.

Defence to a claim

35.—(1) Subject to rule 34, within 28 days of service of the copy of the claim form the defendant shall file a defence—

- (a) setting out in sufficient detail which of the facts and contentions of law in the claim form the defendant admits or denies, on what grounds and on what other facts or contentions of law the defendant relies; and

- (b) containing observations on the question in which part of the United Kingdom the proceedings of the Tribunal are to be treated as taking place under rule 18.

(2) The contents of the defence shall be verified by a statement of truth signed and dated by the defendant or on its behalf by its duly authorised officer or legal representative.

(3) As far as practicable, there shall be annexed to the defence a copy of every document referred to in the defence (except where such documents have been annexed to the claim form).

(4) Unless the Tribunal otherwise directs, the signed original of the defence shall be accompanied by five copies of the defence and its annexes certified by the defendant or its legal representative as conforming to the original.

(5) The defendant shall serve a copy of the defence and any accompanying documents on each other party at the same time as it files the defence.

(6) The defendant shall send a copy of the defence to the CMA at the same time as it is served on the other parties to the claim.

(7) Where the claim form is served on a foreign defendant, the period for filing a defence set out in paragraph (1) is varied so as to accord with the period applicable under Part 6 of the CPR in relation

to proceedings in England and Wales or the equivalent provisions in the equivalent procedural rules for Scotland or Northern Ireland in relation to proceedings taking place in Scotland or Northern Ireland respectively.

Reply to defence

36.—(1) Within 21 days of receipt of the copy of the defence, the claimant may file a reply to the defence.

(2) The contents of the reply shall be verified by a statement of truth signed and dated by the claimant or on its behalf by its duly authorised officer or legal representative.

(3) If the claimant files a reply to the defence, it shall send a copy of the reply and any accompanying documents to each other party at the same time as it files the reply.

(4) The claimant shall send a copy of the reply to the CMA at the same time as it is served on the other parties to the claim.

Further pleadings

37. No further pleadings may be filed without the permission of the Tribunal.