



COMPETITION APPEAL TRIBUNAL

**PRACTICE DIRECTION RELATING TO
COMMENCEMENT OF DAMAGES CLAIMS**

**1 October
2014**

PRACTICE DIRECTION

The requirements of this Practice Direction Relating to Commencement of Damages Claims constitute a Practice Direction issued by the President pursuant to rule 68(2) of the Competition Appeal Tribunal Rules 2003 (S.I. 2003/1372) (as amended by S.I. 2004/2068) (the “Rules”) in relation to the procedures provided for by those Rules.

References in this Practice Direction to ‘rule’ or ‘rules’ are references to provisions of the Rules. All terms defined in rule 2 (Interpretation) shall bear the same meaning in this Practice Direction.

The Honourable Mr Justice Roth

President

29 September 2014

1. MANNER OF COMMENCING PROCEEDINGS UNDER SECTION 47A OF THE 1998 ACT

1.1. Rule 32 prescribes the procedure for commencing proceedings under section 47A of the 1998 Act before the Tribunal. In particular, rule 32(3) sets out those matters which a claim form must contain.

1.2. Pursuant to rule 32(3)(d), any claim form sent to the Registrar that names as defendants to the proceedings one or more persons out of the jurisdiction of the United Kingdom (each a “foreign defendant”) shall contain—

1.2.1. as regards each foreign defendant on whom the claim form is to be served out of the jurisdiction:

- (i) a statement that the permission of the Tribunal is not required for service out of the jurisdiction; or
- (ii) a request that the Tribunal make an order permitting service of the claim form out of the jurisdiction;

1.2.2. a statement of the legal basis or bases upon which the Tribunal is said to have jurisdiction over each foreign defendant; and

1.2.3. a concise statement of the relevant facts said to engage the Tribunal’s jurisdiction over each foreign defendant.

1.3. Where the claim form contains a statement pursuant to paragraph 1.2.1(i) above, the Tribunal will make an order directing that the claimant(s) effect service on each foreign defendant named in the claim form. That order will be made in substantially the form annexed to this Practice Direction, subject to the specific circumstances of the claim and to the discretion of the Tribunal.¹ In all other cases, the Tribunal will make such directions as it sees fit.

2. MANNER OF COMMENCING PROCEEDINGS UNDER SECTION 47B OF THE 1998 ACT

2.1. Rule 33(1) provides that a claim form commencing proceedings under section 47B of the 1998 Act shall contain the information required by rule 32, in addition to those further matters specified by rule 33 itself.

¹ For case specific orders, see, for example, the Order of the President made on 27 February 2004 in Case 1028/5/7/04 *BCL Old Co Limited & Ors v Aventis SA & Ors*; the Order of the President (Overseas Service) made on 28 September 2012 in Case 1201/5/7/12 *Vion Food Group Limited & Ors v Tessenderlo Chemie N.V. & Anr*; and the Order of the President (Overseas Service) made on 5 October 2012 in Case 1202/5/7/12 *Moy Park Limited & Ors v Tessenderlo Chemie N.V.*, which are accessible on the Tribunal’s website at www.catribunal.org.uk.

2.2. The provisions of paragraphs 1.2 and 1.3 of this Practice Direction shall apply to claims filed pursuant to rule 33 and section 47B of the 1998 Act as they do to claims filed pursuant to rule 32 and section 47A of that Act.

3. AMENDMENT TO GUIDE TO PROCEEDINGS

3.1. The provisions set out in paragraphs 7.18-7.21 (*Service of the claim form outside the jurisdiction*) of the Tribunal's *Guide to Proceedings (2005)* shall cease to have effect on the date on which this Practice Direction enters into force.

4. ENTRY INTO FORCE

4.1. This Practice Direction enters into force on 1 October 2014.

ANNEX

IN THE COMPETITION
APPEAL TRIBUNAL

Case No: XXXX/X/X/XX

BETWEEN:

[1) XXXXXXXX
2) XXXXXXXX]

Claimants

-v-

[XXXXXXXX]

Defendant

ORDER

UPON reading the claim form filed by the Claimants in the above proceedings

AND UPON noting that the Defendant named in the claim form appears to be outside the jurisdiction

IT IS ORDERED THAT:

1. Pursuant to rule 63(3) of the Competition Appeal Tribunal Rules 2003 (“the Tribunal Rules”), the Claimants shall serve the claim form on the Defendant by any method permissible by Part 6 of the Civil Procedure Rules (“CPR”) in respect of a defendant outside the jurisdiction.
2. Service of the claim form in accordance with the above paragraph shall also include service of the Tribunal’s form of acknowledgment of service¹ and a copy of this Order on the Defendant.
3. Where service takes place outside the jurisdiction, the periods for acknowledging service and filing a defence which are set out in rules 36 and 37 of the Tribunal Rules shall be varied so as to accord with the periods applicable under the CPR and the Claimants shall draw the attention of the Defendant to that fact.
4. The Claimants shall notify the Tribunal of:
 - (i) the method by which service has been effected;
 - (ii) the date of deemed service; and
 - (iii) the periods for acknowledging service and filing a defence.

¹ A copy of which will be provided to the Claimant(s) by the Registry.

5. There be liberty to apply.

The Honourable Mr Justice Roth
President of the Competition Appeal Tribunal

Made: [Date]
Drawn: [Date]

Competition Appeal Tribunal
Victoria House
Bloomsbury Place
London WC1A 2EB

Telephone: 020 7979 7979

Fax: 020 7979 7978

www.catribunal.org.uk