



COMPETITION APPEAL TRIBUNAL

NOTICE OF A CLAIM UNDER SECTION 47A OF THE COMPETITION ACT 1998

Case No: 1672/5/7/24

Pursuant to Rule 33(8) of the Competition Appeal Tribunal Rules 2015 (S.I. 2015 No. 1648) (the “Tribunal Rules”), the Registrar gives notice of the receipt on 28 August 2024 of a claim the “Claim”) pursuant to section 47A of the Competition Act 1998 (the “Act”), by Mr Patrick Henry McAuley (the “Claimant”) against the Faculty of Advocates Services Ltd (the “Defendant”).

The Claim arises from alleged infringement of the prohibitions contained in section 2 of the Act (the “Chapter I Prohibition”) and section 18 of the Act (the “Chapter II Prohibition”).

The Claimant is a solicitor and has been issued a Law Society Practising Certificate with a one-year supervision condition by the Law Society of Scotland.

According to the Claim, the Claimant requested that the Defendant provide advocacy services in relation to two cases in which the Claimant is acting as a self-represented solicitor. The Claim alleges that the Defendant refused to provide advocacy services and instructed all advocates within the faculty not to provide services to the Claimant.

The Claim alleges that the Defendant’s refusal to supply advocacy services was undertaken pursuant to a long-standing practice of only permitting Scottish solicitors with an unrestricted Law Society Practising Certificate to instruct advocates. The Claimant asserts he is legally entitled to instruct an advocate.

The Claim contends that:

- (1) the Defendant’s refusal to supply advocacy services is an abuse of dominance; and
- (2) the Defendant’s application of its rules, and its instruction to all advocates not to provide advocacy services to the Claimant constitute an agreement preventing, restricting or distorting competition.

The Claim also contends that while it is in large part a preventative action, the Claimant will also suffer monetary damages arising from reputational damage, stress and inconvenience.

The Claimant seeks:

- (1) a declaration that the Defendant’s conduct constitute infringements of the Chapter I Prohibition and the Chapter II Prohibition;
- (2) an order that the Defendant must offer the services of an Advocate for pending proceedings to which the Claimant is a party;
- (3) costs and expenses; and
- (4) damages for stress and inconvenience.

Further details concerning the procedures of the Competition Appeal Tribunal can be found on its website at www.catribunal.org.uk. Alternatively, the Tribunal Registry can be contacted by post at Salisbury Square House, 8 Salisbury Square, London EC4Y 8AP, or by telephone (020 7979 7979) or email (registry@catribunal.org.uk). Please quote the case number mentioned above in all communications.

Charles Dhanowa OBE, KC (Hon)
Registrar

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