



COMPETITION APPEAL TRIBUNAL

CATUG/2025

3 July 2025

MINUTES OF THE COMPETITION APPEAL TRIBUNAL USER GROUP MEETING ON WEDNESDAY 11 JUNE 2025

A meeting of the Competition Appeal Tribunal (CAT) User Group took place on Wednesday 11th June 2025 (1715-1830 hrs) in the Mansfield Room / via MS Teams.

Attendees	Ben Tidswell	CAT (Chair)	Chairman
	Mrs Justice Bacon	CAT (President)	
	Charles Dhanowa KC (Hon)	CAT (Registrar)	
	Peter Freeman	CAT	
	Almira Delibegovic-Broome KC*	Axiom Advocates	
	Tom De La Mare KC*	Blackstone Chambers	
	Sarah Abram KC	Brick Court	
	Marie Demetriou KC		
	Chris Prevett	CMA	
	Mark Sansom	Freshfields	
	Stephen Wisking	Herbert Smith Freehills Kramer	
	Sarina Williams	Linklaters	
	Jon Turner KC	Monckton	
	Rob Williams KC		
	Neil Davies*	Ofcom	
	Belinda Hollway	Scott & Scott	
	Stephen Tupper	Tuppers Law	
	Mark Collyer	CAT (Assistant Registrar)	Secretary

* via MS Teams

Apologies	Jennifer MacLeod	Brick Court	
	Nicola Boyle	Hausfeld	
	Bruce Kilpatrick	Linklaters	
	George Peretz KC	Monckton	
	Natasha Pearman	Milberg	
	Martin Ballantyne	Ofcom	
	Totis Kotsonis	Pinsent Masons LLP	
	Micaela Diver	A&L Goodbody	
	Emily Neill	Bar Library (Belfast)	
	Nick Linfoot	Department for Business & Trade	

Item	Record
1. Introduction	Ben Tidswell welcomed all attendees to the meeting and welcomed the President to her first meeting of the User Group. The President reiterated the important role played by the User Group and thanked the members for their ongoing support.

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2. Minutes of Previous Meeting (19 Mar 25)	(a) Minutes. The Minutes of the meeting on 19 Mar 25 were reviewed and agreed. (b) Matters Arising: The President raised one matter in relation to skeleton arguments - a law reporter had experienced difficulties accessing a non-confidential version of a skeleton argument filed in the CAT. The President referred to paragraph 9.66 of the CAT Guide to Proceedings (CAT Guide) which provides that where a skeleton argument is referred to or quoted in open court, the party that produced that document should be prepared to make a non-confidential version of the document available to a non-party on request. Paragraph 9.66 of the CAT Guide makes clear that skeleton arguments (and other documents) do not need to be provided prior to the hearing. The President stated that challenges where non-party requests for documents are refused should be made and addressed at a hearing in open court in order to facilitate transparency of the process.
3. CAT Rules & Practice Direction Update	The President noted that the review of the CAT Rules was a major project and would take place shortly. The current intention was that the CAT Rules and CAT Guide were to be updated at the same time. The President suggested that it would be useful to have a small working group from the User Group (comprising 4-5 people) that could review the proposed amendments to the CAT Rules and provide feedback before the updated draft CAT Rules are circulated to the rest of the User Group. The President stated that the CAT will need to discuss with the Department for Business and Trade a framework for more regular revisions of the CAT Rules. Action: Marie Demetriou KC agreed to act as the primary point of contact for the Working Group and will assemble a group of volunteers to join the group. <u>Post-Meeting Note:</u> The CAT Rules Working Group is to comprise: - Marie Demetriou KC (Brick Court) - Jon Turner KC (Monckton) - Mark Samson (Freshfields) - Stephen Wisking (Herbert Smith Freehills Kramer) - Belinda Hollway (Hausfeld) - Almira Delibegovic-Broome KC (Axiom Advocates)
4. Advocate Pro-Bono Scheme	Ben Tidswell explained that the arrangements for the operation of the Advocate Pro-Bono Scheme in the CAT were now in place and thanked Sarah Abram KC for her work on this. Sarah Abram KC noted that the explanatory note had been published on the CAT website and that a good number of barristers had already signed up to the scheme. Almira Delibegovic-Broome KC suggested that the scheme could be replicated in Scotland, and she would liaise with the CAT Registrar about how this might happen. Stephen Tupper noted that the Competition Pro Bono Scheme for solicitors was in the process of being reinvigorated. He had reminded the UK regulators that there was a pro bono scheme, and he had also been in touch with the Access to Justice Foundation. Sarah Abram KC explained that many city law firms had signed up with Pro Bono Connect which established a network of solicitors willing to work on pro bono cases and which was aligned with Advocate's work. It was agreed it might be helpful to look at ways in which Pro

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	Bono Connect could become involved with CAT cases. This matter was left with Sarah Abram KC and Stephen Tupper to follow up. Ben Tidswell stated that Derek Ridyard (a CAT economist member) is in the process of communicating with consultancy firms to ascertain whether private practice economists would be willing to get involved with pro bono work, including potentially giving expert evidence in the CAT.
5. Procedure for Hot Tubs	The President explained that two workstreams were to be merged: (1) the Protocol for concurrent expert evidence (hot tubs); and (2) a Practice Direction (PD) for expert evidence more generally. The User Group had been given sight of (1), but not (2). The PD was to cover general points such as the instruction of experts and impartiality and a draft would be circulated to the User Group in due course. As regards the draft Protocol for hot tubs, paragraph 5 stated that experts were permitted to have with them in the hot tub their own notes or annotated copies of expert reports. Belinda Hollway asked whether the notes could be available electronically not just in paper form. Tom De La Mare KC expressed concern that use of the notes could generate collateral disputes between the parties and applications for disclosure of the notes. Jon Turner KC stated that the expert's notes should be his/her own notes and not notes arrived at after consultation with others. The President noted that having an expert's notes in paper form required less policing. Independence of experts in preparing for hot tubs (including the preparation of notes) was expected. The CAT had not reached a concluded view on this point yet and was alert to the point of satellite litigation about the notes. Both the Protocol and PD concerned only economists (broadly defined) at this stage, not industry experts. The President noted that paragraph 6 of the Protocol states that where the hot tub lasts more than one day, an expert may be provided with a copy of the transcript of their evidence at the end of the day. Users were of the view that this was appropriate. However, this should apply to experts only and not factual witnesses. The President noted that this distinction could be addressed in the updated version of the CAT Guide.
6. Bellamy Lecture 2025	Peter Freeman confirmed that the Bellamy Lecture 2025 was scheduled for 16 October 2025, with Bill Kovacic speaking. The title of the lecture was "Anti-trust in times of turbulence". The lecture will be hosted in the CAT (with a capacity of 150 people), and it will also be livestreamed. There would be a reception afterwards. He explained the importance of diversity and getting young lawyers involved – users were encouraged provide the CAT with the names of those who might provide that breadth of attendance.
7. User Group Feedback	No issues were raised.

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8. Any Other Business	The President explained that documents filed in the CAT could be overly long and this can cause problems, particularly where a document accompanied a claim form (such as an expert report filed with a collective proceedings claim form) and so the CAT was not in a position to give directions regarding the length of that document. The President noted that The Business and Property Courts Chancery Guide 2022 sets page limits for certain documents and something similar could be replicated in the updated CAT Guide. This would not be comprehensive, and the parties would be able to apply to the CAT to vary page limits. However, shorter documents were better written and more focused. The President stated that it would be helpful to have a working group to produce a high level document. Action: Rob Williams KC agreed to lead on producing a short paper on ‘page lengths of documents’ to inform a discussion about whether a practice direction would be useful. This would be circulated to User Group members for comment / additional points.
Date of Next Meeting	The date for the next CAT User Group meeting is Wed 24 Sep 25 (17:00 – 18:15). A calendar invitation has been issued.

Mark Collyer
for CAT President