STATUTORY INSTRUMENTS

2024 No. 1233

COMPETITION

The Competition Appeal Tribunal (Amendment) Rules 2024

Made - - - -	*25th November 2024*
Laid before Parliament	*29th November 2024*
Coming into force - -	*1st January 2025*

Having consulted in accordance with section 15(1) of the Enterprise Act 2002(**a**), the Secretary of State makes these Rules in exercise of the powers conferred by section 15(1) and (3)(c) of, and Part 2 of Schedule 4 to, that Act.

Citation, commencement and extent

1.—(1) These Rules may be cited as the Competition Appeal Tribunal (Amendment) Rules 2024 and come into force on 1st January 2025.

(2) These Rules extend to England and Wales, Scotland and Northern Ireland.

Amendments of the Competition Appeal Tribunal Rules 2015

2. The Competition Appeal Tribunal Rules 2015(**b**) are amended as provided in the Schedule to these Rules.

Justin Madders
Parliamentary Under-Secretary of State
Department for Business and Trade

25th November 2024

(**a**) 2002 c. 40.
(**b**) S.I. 2015/1648.

SCHEDULE

Rule 2

Amendments to the Competition Appeal Tribunal Rules 2015

1. In Rule 2 (interpretation), paragraph (1), after the definition of "the 2003 Act" insert the following definition—

""the 2024 Act" means the Digital Markets, Competition and Consumers Act 2024;"(**a**).

2. In Rule 3 (application of Rules), paragraph (c), after "the 2002 Act" insert "or the 2024 Act".

3. In the heading to Part 3 (proceedings under the 2002 Act), for "the 2002 Act" substitute "the 2002 and 2024 Acts".

4. In Rule 25 (time for commencing proceedings for a review under the 2002 Act)—

(a) in the heading, for "the 2002 Act" substitute "the 2002 and 2024 Acts";

(b) for paragraph (1) substitute—

"(1) An application under section 120(1) of the 2002 Act for the review of a decision in connection with—

(a) a reference or possible reference in relation to a relevant merger situation or a special merger situation;

(b) a foreign state newspaper merger situation;

(c) transferred EU merger commitments;

(d) the CMA's functions under Chapter 5 of Part 1 of the 2024 Act; or

(e) a request from an overseas regulator (within the meaning of Chapter 2 of Part 5 of the 2024 Act) for the CMA to assist the regulator,

shall be made by filing a notice of application within four weeks of the date on which the applicant was notified of the disputed decision, or the date of publication of the decision, whichever is the earlier."(**b**);

(c) after paragraph (2) insert—

"(2A) An application made under section 103(1) of the 2024 Act shall be made by filing a notice of application within 6 weeks of the date on which the applicant was notified of the disputed decision, or the date of publication of the decision, whichever is the earlier.";

(d) in paragraph (3), for "paragraph (1) or (2)" substitute "paragraph (1), (2) or (2A)".

5. In Rule 26 (supplementary provisions concerning reviews)—

(a) in paragraph (1), after "section 120 or 179 of the 2002 Act," insert "or section 103 of the 2024 Act,";

(b) in paragraph (3), after "rule 11" insert ", in proceedings for review under section 120 or 179 of the 2002 Act,"(**c**).

(**a**) 2024 c. 13.

(**b**) Section 120(1) of the 2002 Act has been amended by regulation 51A of the Competition (Amendment etc.) (EU Exit) Regulations 2019/93 and Schedules 7 and 28 to the 2024 Act.

(**c**) Section 179 of the 2002 Act has been amended by Schedule 11 to the 2024 Act.

6. In Rule 27 (expert evidence), after "section 120 or section 179 of the 2002 Act" insert "or section 103 of the 2024 Act".

7. In Rule 28 (appeals in relation to penalties under section 114 of the 2002 Act)—

(a) in paragraph (1), for sub-paragraph (a) substitute—

"(a) in the case of an appeal against a penalty imposed under—

(i) section 35A (enforcement of powers under sections 31A, 32, 33 and 25: imposition of penalties) of the 1998 Act;

(ii) section 40ZE (enforcement of requirements: imposition of penalties) of the 1998 Act;

(iii) section 110(1) or (3) (enforcement of investigation powers under Part 3) of the 2002 Act;

(iv) section 174A(1) or (3) (enforcement of investigation powers under Part 4) of the 2002 Act;

(v) section 85 (penalties for failure to comply with competition requirements) of the 2024 Act;

(vi) section 87 (penalties for failure to comply with investigative requirements) of the 2024 Act; or

(vii) section 312 (penalties for failure to comply with notices under section 311) of the 2024 Act,

the day on which a copy of the notice of the penalty was served under section 112(1) of the 2002 Act (penalties: main procedural requirements) as it applies to those provisions;"(**a**);

(b) in paragraph (2), for "three weeks" substitute "four weeks".

(**a**) Schedule 10 to the 2024 Act amended sections 114, 110(1) and (3), 112(1), and 174A(1) and (3) of the 2002 Act. Schedules 10 and 11 to the 2024 Act inserted sections 40ZE and 35A to the Competition Act 1998 (c. 41) respectively.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Competition Appeal Tribunal Rules 2015 (S.I. 2015/1648) ("the CAT Rules") to enable Part 3 of the CAT Rules to apply to applications to review certain decisions of, and appeals of penalties imposed by, the Competition and Markets Authority ("the CMA") under its digital markets and competition functions pursuant to the Digital Markets, Competition and Consumers Act 2024 (c. 13) ("the 2024 Act"). These Rules also make a minor amendment to the CAT Rules consequential to the Competition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/93) ("the EU Exit Regulations").

Paragraphs 1 to 4(a) of the Schedule make technical consequential amendments to the CAT Rules to refer to the 2024 Act.

Paragraphs 4(b) to 6 of the Schedule make amendments to CAT Rules 25 to 27 to include provisions for the CMA's decisions that are subject to review as a result of the 2024 Act, either by operation of section 120 of the Enterprise Act 2002 (c. 40) ("the 2002 Act") (as amended by the EU Exit Regulations to refer to a CMA decision in connection with transferred EU merger commitments) as amended or applied by the 2024 Act, or by operation of section 103 of the 2024 Act.

Paragraph 7 of the Schedule makes amendments to CAT Rule 28 to ensure that the provisions contained in that rule apply to procedures for appeals concerning CMA's penalties imposed under its digital markets functions (see sections 85 and 87 of the 2024 Act), competition regime (see Schedules 10 and 11 of the 2024 Act which amend the Competition Act 1998 (c. 41) ("the 1998 Act")), and motor fuel competition (section 312 of the 2024 Act). See further sections 89 and 313 of the 2024 Act, and sections 35B and 40ZE of the 1998 Act, which provide for certain provisions relating to appeals in the 2002 Act to apply.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen. An impact assessment was produced for the 2024 Act and is available from the Department for Business and Trade at Old Admiralty Building, Admiralty Place, London SW1A 2DY.

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