RESTRICTIVE PRACTICES COURT

1957 No. 603

The Restrictive Practices Court Rules, 1957

Made - - - -	*5th April*, 1957
Laid before Parliament	*11th April*, 1957
Coming into Operation	*15th April*, 1957

I, David Viscount Kilmuir, Lord High Chancellor of Great Britain, in exercise of the powers conferred on me by section 23 of the Restrictive Trade Practices Act, 1956(**a**), hereby make the following Rules :—

Introductory

1. These Rules may be cited as the Restrictive Practices Court Rules, 1957, and shall come into force on the fifteenth day of April, 1957.

2. The Interpretation Act, 1889(**b**), shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

3. In these Rules, unless the context otherwise requires—

" the Act " means the Restrictive Trade Practices Act, 1956 ;

" agreement " means an agreement of which particulars have been registered under Part I of the Act ;

" the Court " means the Restrictive Practices Court ;

" final hearing " includes a hearing under rule 63 ;

" Judge " means a Judge of the Court sitting in the part of the United Kingdom in which the proceedings were instituted or, as the case may be, to which they have been transferred ;

" the proper officer of the Court " means the Clerk of the Court or other proper officer at the central office of the Court or at the office of the Court in Scotland or Northern Ireland, as the case may be ;

" the Registrar " means the Registrar of Restrictive Trading Agreements ;

references to a party to an agreement include references to any person deemed to be a party for the purposes of the Act.

Institution of Proceedings

4. Proceedings (other than applications under section 20 (2) (*b*), section 22 and section 30 of the Act) shall be instituted by a notice of reference, stating that the agreements to which the notice applies are referred to the Court.

5. A notice of reference may apply to one agreement or to a number of agreements appearing to the Registrar to be related in such a way as to make it desirable that they should be considered in the same proceedings.

6. A notice of reference shall sufficiently identify the agreement or agreements to which it applies.

(**a**) 4 & 5 Eliz. 2. c. 68. (**b**) 52 & 53 Vict. c. 63.

7. A notice of reference shall specify the part of the United Kingdom in which the proceedings are to take place and shall be issued out of the central office of the Court or the office of the Court in Scotland or Northern Ireland, as the case may be.

8. A notice of reference shall be issued by being sealed with the Court's seal by the proper officer of the Court; and when issued the notice shall be returned to the Registrar, who shall leave a copy to be filed by the proper officer.

9. Subject to rule 13, the Registrar shall cause a copy of the notice of reference to be served on all parties to the agreement, or to every agreement, to which the notice applies, and all such parties shall be respondents to the notice.

10. The Registrar may, if he thinks fit, serve a copy of the notice of reference on any trade association whose members or any of them are parties to any agreement to which the notice applies, notwithstanding that the association is not itself a party to any such agreement, and the trade association shall accordingly be made a respondent to the notice of reference; but this shall be without prejudice to any application under rule 11 for the representation of members of the association by the association as a representative respondent.

Representation Orders

11. Where a numerous class of persons have a common interest in the proceedings by reason that they are all parties to the same agreement or have entered into substantially similar agreements, the Court may, on an application made by the Registrar after the issue of the notice of reference but before the service thereof, make an order (hereinafter referred to as "a representation order") that the class, or any members thereof, shall be represented by such representative respondents as the Court may direct, who may be individual members of the class or a trade association or associations to which all or some of the members belong, or may be partly one and partly the other.

12. Before making a representation order, the Court may direct that notice of the application for the order shall be served on such persons, or advertised in such manner, as the Court may think fit, and may give such persons as aforesaid an opportunity of objecting to the making of the order within such time as may be limited by any directions given by the Court in that behalf.

13. Where the Court makes a representation order, then, unless the Court otherwise directs—

(i) a copy of the notice of reference and of the representation order shall be served on each representative respondent;

(ii) a copy of the notice of reference shall be served on any member of the class to whom the representation order does not extend;

(iii) short particulars of the notice of reference and of the representation order shall be published in such trade journal or other newspaper as the Court may direct;

but (subject to rule 16) no other member of the class shall be served with the notice of reference or made a respondent.

Entry of Appearance

14. Every respondent who wishes to be heard in the proceedings shall, within fourteen days of the service upon him of the copy of the notice of reference, enter an appearance in the office of the Court out of which the notice issued by delivering to the proper officer of the Court two copies of a memorandum stating that the respondent wishes to be heard in the proceedings and containing the name of his solicitor (if any) and an address in the United Kingdom at which documents may be served on him; and the proper officer shall thereupon send one copy of the memorandum, sealed with the seal of the Court, to the Registrar.

Alteration of Scope of Proceedings, Parties and Venue

15. Where a notice of reference applies to a number of agreements, any respondent may, within fourteen days of entering an appearance to the notice, apply to the Court to exclude from the notice any agreement to which he is a party on the ground that the agreement is not related to the other agreements to which the notice applies, or is not related to some of those agreements, in such a way as to make it desirable that they should all be considered in the same proceedings; and the Court may, on the hearing of the application, amend the notice by excluding any agreement or agreements therefrom, and shall give all such consequential directions as it considers necessary, including a direction that any respondent who is a party to the agreement in question be treated as if he had not entered an appearance.

16. Any association or person who has been made a representative respondent, and any member of a class represented by a representative respondent (not being a member on whom notice of the application for a representation order was served under rule 12), may apply to the Court to revoke or modify the representation order, and the Court may revoke or modify the order accordingly, and shall give all such consequential directions as it considers necessary.

17. The Registrar, any respondent, and any person who is a member of a class represented by a representative respondent, may apply to the Court for the transfer of the proceedings to another part of the United Kingdom named in the application; and on the hearing of the application the Court may order that all further proceedings shall take place in the part of the United Kingdom named in the order.

Statement of Case, Answer and Reply

18. Every respondent who has entered an appearance shall, within six weeks of his entry of appearance, deliver to the Registrar, and file with the proper officer of the Court, a statement of his case, which shall include—

(*a*) particulars of the provisions of section 21 of the Act on which he intends to rely;

(*b*) particulars of the facts and matters alleged by him to entitle him to rely on those provisions;

and shall be accompanied by a list of all the documents relevant to the proceedings which are or have been in his possession or power, indicating for which (if any) of those documents he claims privilege and the grounds of the claim.

19. Without prejudice to the provisions of these Rules relating to discovery, every respondent shall, within seven days after receiving notice in that behalf from the Registrar, produce for his inspection the documents specified in the

list aforesaid, or such of them as may be specified in the notice, and shall permit him to make copies thereof:

Provided that nothing herein shall affect the right of a respondent to claim privilege for any of the said documents.

20. Where a statement of case is delivered, the Registrar shall deliver an answer within six weeks after the time limited for the delivery of a statement of case by every respondent has expired. Where there is more than one respondent, the Registrar may deliver a joint answer, or separate answers to each or to some only of the respondents, with or without a joint answer to the remainder. A copy of every answer shall be delivered to the respondent or respondents to whose statement it is directed and filed with the proper officer of the Court.

21. Where a respondent intends to rely on facts or matters which, if not raised, would be likely to take the Registrar by surprise or would raise issues of fact not arising out of the statement of case or answer, he shall, within twenty-eight days of the delivery of the answer, deliver a reply to the Registrar and file a copy thereof with the proper officer of the Court.

22. Every allegation of fact in a statement of case shall be deemed to be admitted unless in the answer it is denied specifically or by necessary implication, or is stated not to be admitted; and, where a reply is delivered, every allegation of fact in the answer shall be deemed to be admitted unless in the reply it is denied specifically or by necessary implication or is stated not to be admitted:

Provided that in his reply a respondent may join issue on the answer and in that case he shall be deemed to deny every material allegation of fact in the answer except any which he specifically admits.

23. If a respondent fails to deliver a statement of his case or to comply with any order of the Court within the time limited for doing so, the Court may, on the application of the Registrar, direct that the respondent be debarred from taking any further part in the proceedings (save for the purpose of being heard on any application by the Registrar for discovery or the answering of interrogatories by that respondent), or make such other order as the Court may think just.

24. In proceedings in England and Wales or in Northern Ireland, any party may apply to any opposite party for further and better particulars of the notice of reference, or of any statement of case, answer or reply, as the case may be, and, if such particulars are not supplied within fourteen days or such further time as may be agreed, he may apply to the Court, which may order the delivery of such further and better particulars as it considers necessary.

25. In proceedings in Scotland the Court may, on the application of any party, order such further specification of the notice of reference, statement of case, answer, or reply as the Court may consider necessary.

26. The Court may, on the application of any party, strike out the whole or any part of a statement of case, answer or reply which appears to the Court to be frivolous, vexatious or irrelevant and may in that event allow further time for the delivery of a fresh or amended statement of case, answer or reply.

Amendment of Notice of Reference, etc.

27. A notice of reference, statement of case, answer or reply may be amended—

(*a*) at any time by leave of the Court;

(*b*) at any time before the hearing of the application for directions without leave, if—

(i) in the case of a notice of reference or answer, the Registrar and all respondents who have entered an appearance, or, as the case may be, to whose statement of case the answer is directed, agree; or

(ii) in the case of a statement of case or reply, the Registrar and all respondents seeking to amend agree;

and a copy of the notice or other document as amended shall be delivered to all opposite parties and filed with the proper officer of the Court within such time as may be allowed by the Court or agreed between the parties concerned.

Joinder of Parties and Consolidation

28. The Registrar, and any respondent who has entered an appearance, may at any time apply to the Court for an order that any person not already a party be added as a respondent to the proceedings, and shall give notice of the application to all other parties and to the person sought to be added.

29. Any person who is not a party to the proceedings may apply to the Court for an order adding him as a respondent and shall give notice of the application to all parties to the proceedings.

30. A copy of the notice of reference shall be served by the Registrar on every person added as a respondent under either of the two last foregoing rules within fourteen days after the making of the order and these Rules shall thereafter apply to such person as if he had been made a respondent under rule 9.

31. The Registrar, and any respondent who has entered an appearance, may at any time apply to the Court for an order that any proceedings pending before the Court in the same part of the United Kingdom be consolidated and heard together.

32. On making an order adding a respondent or an order for the consolidation of any proceedings, the Court shall give all such consequential directions as it considers necessary.

Application for Directions

33. Not later than seven days after every respondent has delivered a reply or after the time for doing so has expired, the Registrar shall make an application to the Court for directions, with a view to providing an occasion for the consideration of the preparations for the final hearing so that—

(*a*) all matters which can be dealt with on interlocutory applications and have not already been dealt with may, so far as possible, be dealt with; and

(*b*) such directions may be given as to the future course of the proceedings as appear best adapted to secure the just, expeditious and economical disposal thereof,

and the Court shall fix a date for the hearing of the application.

34. Not less than twenty-one days before the application for directions is due to be heard, the Registrar shall serve notice of the application on every respondent who has entered an appearance (with the exception of any respondent who has been debarred under rule 23 from taking any further part in the proceedings) and shall set out in his notice full particulars of the directions for which he intends to apply. A copy of the notice shall at the same time be filed with the proper officer of the Court.

35. Every respondent on whom notice is served under the last foregoing rule shall, within fourteen days after service of the notice, serve on the Registrar a notice specifying any directions which he may desire in so far as they differ from those applied for by the Registrar and shall at the same time file a copy of the notice with the proper officer of the Court.

36. On the hearing of the application the Court shall give such directions as it considers necessary to secure the purposes mentioned in rule 33 and, without prejudice to the generality of the foregoing, may give such directions as it may think fit as to—

(*a*) the amendment of the notice of reference or any statement of case answer or reply;

(*b*) the delivery of further and better particulars or, in Scotland, the further specification, of the notice of reference or of any statement of case, answer or reply;

(*c*) the delivery of interrogatories or, in Scotland, the answering of any statement of facts;

(*d*) the admission of any facts or documents;

(*e*) the discovery or further discovery of any documents;

(*f*) the admission in evidence of any documents;

(*g*) the mode in which evidence is to be given at the final hearing;

(*h*) the taking and recording of any evidence before the final hearing, including the appointment of an examiner or, in Scotland, a commissioner for that purpose;

(*i*) the reference to the Court for determination in a summary way of any issue arising in relation to any agreement to which the notice of reference applies;

(*j*) the disposal of a preliminary point of law;

(*k*) an investigation of the cost incurred by any respondent (or, as the the case may be, any member of a class represented by a representative respondent) in producing or supplying any goods or in applying any process of manufacture to goods, and the manner in which the result of such investigation is to be brought before the Court at the final hearing;

(*l*) the consolidation of the proceedings with any other proceedings pending before the Court in the same part of the United Kingdom;

(*m*) the place and date of the final hearing.

37. Any application subsequent to the application for directions and before the final hearing as to any matter capable of being dealt with on an interlocutory application shall be made under the application for directions by two clear days notice to the opposite party stating the grounds on which it is made.

Notice to Produce Documents and to Admit Documents and Facts

38. Any party may give to any opposite party notice to produce at the final hearing any relevant documents specified in the notice which are in the possession or power of the opposite party and, if such notice is not complied with, secondary evidence of the contents of the documents may be given by the party who gave the notice.

39. Any party may, not less than twenty-one days before the date fixed for the final hearing, serve notice on any opposite party requiring him to admit (saving all just exceptions) the authenticity of any documents specified in the notice, and unless the opposite party, within seven days of service of the notice upon him, gives notice requiring the document to be proved at the hearing, he shall be deemed, unless the Court otherwise directs, to have admitted its authenticity.

40. Any party may, not less than twenty-one days before the date fixed for the final hearing, give to any opposite party notice to admit, for the purposes of the proceedings, any facts specified in the notice, and the Court shall, in exercising its discretion as to making an order for costs under rule 76, take into consideration any unreasonable failure to admit, or delay in admitting, such facts.

Discovery of Documents and Interrogatories

41. In proceedings in England and Wales or in Northern Ireland, any party may apply to the Court for an order directing any opposite party to make discovery, or further discovery, either on oath or otherwise, of the documents relating to the proceedings which are or have been in his possession or power, and on the hearing of the application the Court may make such order, either generally or limited to certain classes of documents or to particular documents, as it thinks fit, including an order for the production or inspection of any documents.

42. In proceedings in Scotland any party may apply to the Court for a commission and diligence for the recovery of documents, and for this purpose the provisions of Rules 120, 122 and 123 of the Rules of the Court of Session shall, *mutatis mutandis*, apply.

43. If it appears to the Court on the application of the Registrar (which may be made at any time after a respondent has delivered a statement of his case or after the time limited for doing so has expired) that the cost incurred by that respondent in producing or supplying any goods, or in applying any process of manufacture to goods, is a material fact in the proceedings, the Court may authorise the Registrar to investigate such cost and may require the respondent concerned to afford to the Registrar all such facilities as may be necessary for the investigation, and may give directions as to the manner in which the result of the investigation is to be brought before the Court at the final hearing.

44. In proceedings in England and Wales or in Northern Ireland, any party may apply to the Court for an order on any opposite party requiring him to answer interrogatories on oath within such time as the Court may direct, and in proceedings in Scotland any party may apply to the Court for an order on any opposite party to answer a statement of facts.

45. An application for an order to answer interrogatories or a statement of facts may be made by the Registrar or any respondent at any time after that respondent has delivered a statement of his case or after the time for doing so has expired, and a copy of the interrogatories or statement of facts

shall, unless the Court otherwise directs, be delivered to the opposite party and filed with the proper officer of the Court not less than two days before the day fixed for the hearing of the application.

46. The Registrar may answer any interrogatories or statement of facts by himself or by any officer nominated by him for that purpose, and a body corporate or a trade association shall answer by a director, manager, secretary or other officer.

47. An application may be made by the Registrar under rules 41 to 45 against any member of a class represented by a representative respondent as if that member were a respondent to the proceedings and had delivered a statement of his case at or within such time as the representative respondent did or might have done so.

Interlocutory Applications

48. Except where these Rules otherwise provide or the Court otherwise directs, every interlocutory application shall be made on not less than seven days notice to the Registrar or, as the case may be, to every respondent concerned in the subject matter of the application, and the notice shall include particulars of the directions or order sought.

49. Except where the President of the Court or a Judge, whether generally or in any particular case, otherwise directs, every interlocutory application (including an application under rule 65) shall be made to a Judge, who may

(*a*) dispose of it himself, or

(*b*) refer it in whole or in part to a Court consisting of a presiding Judge and at least two other members, or

(*c*) (except in the case of an application under rule 65) refer it in whole or in part to the Clerk of the Court, or officer acting as Clerk of the Court in Scotland or Northern Ireland, as the case may be,

and references in these Rules to the Court shall be construed accordingly.

50. Where an application is made or referred to the Clerk of the Court, or officer acting as Clerk of the Court in Scotland or Northern Ireland, as the case may be, any party aggrieved by his decision may appeal to a Judge within seven days of the decision on giving notice to all parties concerned and to the proper officer of the Court; and in that case the Judge may dispose of the appeal himself, or refer it in whole or in part to a Court consisting of a presiding Judge and at least two other members.

51. For the hearing of any interlocutory application or appeal, the Court or Judge may sit either in private or in open court.

Evidence

52. Subject to these Rules, and to any enactment relating to evidence, any fact required to be proved at the hearing of the reference shall be proved by the oral examination of the witnesses.

53. The Court may, on the hearing or adjourned hearing of the application for directions or at the final hearing, order that all or any of the evidence at the final hearing shall be given by affidavit, and may make such order on such terms as to the filing and giving of copies of the affidavits or proposed affidavits and as to the production of the deponents for cross-examination as the Court may think fit.

54. Without prejudice to the last foregoing rule, the Court may order that evidence of any particular fact shall be given at the final hearing in such manner as may be specified in the order and in particular—

(*a*) by statement on oath of information or belief;

(*b*) by the production of documents or entries in books;

(*c*) by copies of documents or entries in books;

(*d*) in the case of scientific, technical or statistical information relevant to the proceedings, by the production of specified scientific, technical, economic or trade publications or works of reference containing such information.

55. Where it appears to the Court, on the hearing or adjourned hearing of the application for directions or at the final hearing, that the Court would be assisted in determining any issue in the proceedings by the admission of evidence (whether oral or documentary) which would not otherwise be admissible under the law relating to evidence, the Court may make an order allowing the admission of such evidence.

56. Any order under rules 53 to 55 made before the final hearing may be revoked or varied by a subsequent order made at or before the final hearing.

57. The Court may, on the application of any party, make an order for the examination on oath of any witness before such examiner as the Court may direct, and may give such directions as the Court may think fit as to the taking and recording of such evidence and its reception at the final hearing, and at the examination of the witness the same practice shall be followed as on the examination of a witness before an examiner of the Supreme Court or, in proceedings in Scotland, before a commissioner appointed by the Court of Session to take evidence.

58. Where a witness is required to attend the final hearing to give oral evidence or to produce any documents in his possession or power, the proper officer of the Court shall issue a summons ordering the attendance of the witness, which shall be served personally on him a reasonable time before he is required to attend, and there shall at the same time be paid or tendered to the witness a sum sufficient to cover his reasonable expenses for travelling to and from, and his attendance at, the Court.

Final Hearing

59. Subject to the provisions of paragraph 4 of the Schedule to the Act, the final hearing of any proceedings shall take place before such members of the Court as the President thereof may nominate for the purpose.

60. The final hearing shall take place in open court:

Provided that if the Court is satisfied that it is in the public interest that the hearing or part thereof should not take place in open court or that evidence may be given as to a secret process of manufacture or as to the presence, absence or situation of any mineral or other deposits or as to any similar matter the publication of which would substantially damage the legitimate business interests of any person, it shall, and may in any other case in which it appears proper to the Court to do so, order that the hearing, or such part thereof as the Court may direct, shall take place in private.

Summary Proceedings and Preliminary Points of Law

61. In the Registrar's application for directions and in any notice given by a respondent under rule 35 there may be included an application for the determination in a summary way of any issue arising in relation to any

agreement to which the notice of reference applies, and any such application shall state the issue to be determined and shall include particulars of any relevant matters considered in previous proceedings before the Court and of the judgment or order given or made in those proceedings.

62. If, on the hearing of the application, it appears to the Court that the relevant provisions of the agreement and the circumstances of the case are substantially similar to those considered in previous proceedings before the Court, it may direct that the issue be referred for determination in a summary way.

63. Where a direction has been given under the last foregoing rule, the Court may at the hearing, unless it is satisfied that the relevant provisions of the agreement or the circumstances of the case differ in some material respect from the provisions and circumstances considered in the previous proceedings,—

(*a*) determine the issue in a summary way without hearing evidence, or on such evidence, whether oral or documentary, as it may think fit; and

(*b*) make any declaration or order which the Court could have made under section 20 of the Act if the issue had been determined after a final hearing in the ordinary way, or defer the making of any such declaration or order until all other issues in the proceedings have been disposed of.

64. The Registrar, and any respondent who has entered an appearance, may apply to the Court at any time for an order that a point of law arising on the notice of reference, or on any statement of case, answer or reply, be determined before the final hearing of the proceedings, and the Court may, if it thinks fit, dispose of the point of law on the hearing of the application or at any later stage in the proceedings.

Applications under Section 22

65. An application for leave to apply under section 22 of the Act for the discharge of any declaration made by the Court in any proceedings, and of any order made in pursuance thereof, shall be made to the Court in the part of the United Kingdom in which the previous proceedings took place, and shall be supported by evidence on affidavit of the material change in the relevant circumstances on which the applicant relies. Unless the Court otherwise directs, notice of the application, together with copies of the affidavits in support thereof, shall be served on every party who appeared on the hearing of the previous proceedings and every such party shall be entitled to be heard on the application.

66. If leave is granted under the last foregoing rule, the Court shall give such directions as it thinks fit as to the delivery by the applicant of a statement of his case and by the Registrar (if he is not the applicant) and by any other party of an answer, and, subject to any directions so given, the provisions of these Rules relating to a reference to the Court by the Registrar shall apply with the necessary modifications to all further proceedings on the application.

Applications under Section 20 (2) (*b*) *or Section* 30

67. Any person who wishes to apply to the Court under section 20 (2) (*b*) of the Act for the discharge of an order made under section 18 (2) by the High Court, the Court of Session or the High Court of Northern Ireland may

do so by a notice of application issued out of the central office of the Court, or the office of the Court in Scotland or Northern Ireland, as may be appropriate having regard to the part of the United Kingdom in which the order was made.

68. A notice of application under the last foregoing rule shall contain—

(*a*) particulars of the order which the applicant seeks to have discharged and of the grounds on which he alleges that the order ought to be discharged;

(*b*) particulars of the provisions of section 21 of the Act on which he intends to rely;

(*c*) particulars of the facts and matters alleged by him to entitle him to rely on those provisions;

and shall be accompanied by a list of all the documents relevant to the application which are or have been in the possession or power of the applicant, indicating for which (if any) of those documents he claims privilege and the grounds of the claim.

69. Any person who wishes to apply to the Court for a declaration under section 30 of the Act may do so by a notice of application issued out of the central office of the Court, or the office of the Court in Scotland or Northern Ireland.

70. A notice of application under the last foregoing rule shall contain—

(*a*) particulars of the agreement which the applicant desires to make and of the order in force under section 10 of the Monopolies and Restrictive Practices (Inquiry and Control) Act, 1948(a), by virtue of which the making of the agreement is unlawful, or of any relevant undertaking or assurance given to a competent authority within the meaning of the said section 10;

(*b*) particulars of the provisions of section 21 of the Act on which the applicant intends to rely;

(*c*) particulars of the facts and matters alleged by him to entitle him to rely on those provisions;

and shall be accompanied—

(i) by a list of all the documents relevant to the application which are or have been in the possession or power of the applicant, indicating for which (if any) of those documents he claims privilege and the grounds of the claim; and

(ii) if the application is made before the 2nd August, 1960, by evidence of the Board of Trade's consent to the making of the application.

71. A notice of application under rule 67 or 69 shall be issued by being sealed with the Court's seal by the proper officer of the Court; and when issued the notice shall be returned to the applicant, who shall leave a copy to be filed by the proper officer, and shall serve a copy on the Registrar, who shall be the respondent to the notice.

72. Without prejudice to the provisions of these Rules relating to discovery, the applicant shall within seven days after receiving notice in that behalf from the Registrar produce for his inspection the documents specified in the applicant's list of documents, or such of them as may be specified in the notice, and shall permit the Registrar to make copies thereof:

Provided that nothing herein shall affect the applicant's right to claim privilege for any of the said documents.

(a) 11 & 12 Geo. 6. c. 66.

73. If the Registrar wishes to oppose the application, he shall, within six weeks of the service upon him of the copy of the notice of application, deliver an answer to the applicant and file a copy thereof with the proper officer of the Court.

74. The provisions of these Rules relating to a reference to the Court by the Registrar shall apply with the necessary modifications to all further proceedings on the application.

75. Where the Court makes an order for the discharge of any order made under section 18 (2) of the Act by the High Court, the Court of Session or the High Court of Northern Ireland, the proper officer of the Court shall send a copy of the first-mentioned order to the Chief Registrar of the Chancery Division of the High Court, the Principal Clerk of Session in Scotland or the Registrar of the Supreme Court of Northern Ireland, as the case may be.

Costs

76. Where it appears to the Court that any party has been guilty of unreasonable delay, or of improper, vexatious, prolix or unnecessary steps in any proceedings, or of other unreasonable conduct (including, but without prejudice to the generality of the foregoing, a refusal to make any admission or agreement as to the conduct of the proceedings which he ought reasonably to have made), the Court may make an order for costs against him.

77. Where an order is made under the last foregoing rule, the Court may direct that the party against whom the order is made shall pay to any other party a lump sum by way of costs, or such proportion of the costs as may be just, and in the last-mentioned case may itself assess the sum to be paid, or may direct that it be assessed by the proper officer of the Court, from whose decision an appeal shall lie to a Judge. The provisions of rule 50 shall apply to any such appeal.

Drawing up and Enforcement of Orders

78. The proper officer of the Court shall deliver or send to the Registrar a copy, sealed with the seal of the Court, of every declaration or order made under section 20, section 22 or section 30 of the Act as soon as may be after the declaration or order has been drawn up.

79. Any clerical mistake in any declaration or order of the Court, or error therein arising from any accidental slip or omission, may at any time be corrected by the Court on the application of any party.

80. Every order of the Court may be enforced in the same way as an order of the High Court, the Court of Session or the High Court of Northern Ireland is enforceable in England and Wales, Scotland or Northern Ireland respectively and the practice of those Courts in regard to the enforcement of their orders shall apply to the enforcement of orders of the Court.

Appeals

81. In proceedings in England and Wales or in Northern Ireland the judgment of the Court shall, in so far as facts are stated therein, be deemed to be a case stated for the purpose of any appeal on a question of law to which those facts give rise, so, however, that any party may, at or before the conclusion of the hearing, request the Court to find in its judgment the facts giving rise to any specific question of law, and if he considers that

the facts so found are not sufficient to enable the question to be fully argued, he may, within seven days after receiving a copy of the judgment, apply to the Court for it to be amplified or amended.

In proceedings in Scotland the provisions of any Act of Sederunt for the time being in force shall apply to an appeal by way of stated case.

Service of Documents

82. Every notice or other document required by these Rules to be served on or delivered to any person may be sent to that person by prepaid post at his address for service or, where no address for service has been given, at his registered office, principal place of business or last known address in the United Kingdom, and every notice or other document required to be delivered to or filed with the proper officer of the Court may be sent by prepaid post to the Clerk of the Court at the Royal Courts of Justice, Strand, London, W.C.2, or to the officer acting as Clerk of the Court at 11, Parliament Square, Edinburgh, 1, or at the Royal Courts of Justice (Ulster), Chichester Street, Belfast, as the case may require.

83. Any notice or other document required to be served on or delivered to a trade association may, if the association is not a body corporate, be sent to the secretary, manager or other similar officer of the association.

84. The Court may on the application of the Registrar, which may be made *ex parte*, give leave for the service of a notice of reference outside the United Kingdom and may in that event give directions as to the mode of service and as to the extension of the time within which the respondent may enter an appearance and deliver a statement of his case.

85. The Court may on the application of any party, which may be made *ex parte*, direct that service of any document be dispensed with or that service thereof be effected otherwise than in manner provided by these Rules, including, without prejudice to the generality of the foregoing, the publication of notice thereof in such trade journal or other newspaper as the Court may direct.

Miscellaneous

86. The time prescribed by these Rules or by order of the Court for doing any act may be extended (whether it has already expired or not) or abridged by agreement or by order of the Court.

87. Unless the Court otherwise directs, the month of August shall be excluded in calculating time under these Rules for the delivery of any statement of case, answer or reply, or for the making of any application to the Court.

88. The central office of the Court shall be open at such times as the President of the Court may direct, and the offices of the Court in Scotland and Northern Ireland shall be open at such times as may be directed by the Judge of the Court in Scotland or Northern Ireland, as the case may be.

89. Where the last day for the doing of any act falls on a day on which the office of the Court is closed and by reason thereof the act cannot be done on that day, it may be done on the next day on which the office is open.

90. Failure to comply with any requirement of these Rules shall not invalidate any proceedings unless the Court so directs and, subject to the provisions of the Act and these Rules, the Court shall have power to regulate its own procedure.

Dated this fifth day of April, 1957.

Kilmuir, C.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules prescribe the procedure to be followed in proceedings before the Restrictive Practices Court.

Proceedings will be begun by a notice of reference issued by the Registrar of Restrictive Trading Agreements, specifying the agreements which are referred to the Court. The notice of reference will be served on all parties to the agreements to which it applies, unless the Court makes a representation order under rule 11 where a numerous class of persons have a common interest in the proceedings, in which case the class will be represented by a trade association or other representative respondent. Rules 15 to 17 enable the Court to exclude any agreement from the notice of reference, to revoke or vary a representation order and to transfer the proceedings to another part of the United Kingdom.

Every respondent who wishes to be heard by the Court must, within six weeks after entering an appearance, deliver a statement of his case (rule 18) and the Registrar must deliver an answer within a further six weeks (rule 20). A reply may be delivered in certain cases, after which the Registrar must apply for directions as to the future conduct of the proceedings (rule 33). Such application will normally be dealt with by a Judge of the Court (rule 49) who is given wide powers of direction by rule 36.

When a case is ready for final hearing, it will come before a Judge and such other members of the Court as the President may nominate (rule 59). The final hearing will be in open court except where the Court decides to sit in private under the powers conferred by rule 60. Provision is made by rules 61 to 63 for the determination in a summary way of issues substantially similar to those considered by the Court in earlier proceedings.

Rules 65 to 75 deal with applications for the discharge of previous orders made by the Court, or by the High Court, the Court of Session or the High Court of Northern Ireland under section 18 (2) of the Act, and with applications under section 30 of the Act relating to agreements covered by orders made under section 10 of the Monopolies and Restrictive Practices (Inquiry and Control) Act, 1948.

Rule 76 enables the Court to award costs in cases of unreasonable delay or other unreasonable conduct. Rule 81 prescribes the procedure to be followed on an appeal from the Court's decision on a question of law. Rule 82 enables all documents to be served by post.