

**COMPETITION APPEAL TRIBUNAL USER GROUP MEETING
MINUTES OF SECOND MEETING HELD ON 14 OCTOBER 2009**

Attendees:

On behalf of the Tribunal

Sir Gerald Barling – President, Competition Appeal Tribunal
Charles Dhanowa OBE – Registrar, Competition Appeal Tribunal
Vivien Rose – Chairman, Competition Appeal Tribunal
Stephen Hurley – Referendaire, Competition Appeal Tribunal

On behalf of Users

Daniel Beard – Barrister, Monckton Chambers
Tabitha Bonney – Legal Advisor, Competition Commission
Jon Lawrence – Partner, Freshfields Bruckhaus Deringer LLP
Catriona Munro – Partner, Maclay Murray & Spens LLP
Polly Weitzman – General Counsel, Office of Communications

Apologies

Frances Barr – General Counsel, Office of Fair Trading
James Flynn QC – Barrister, Brick Court Chambers
Stephen Wisking – Partner, Herbert Smith LLP

Introduction

The President welcomed everyone to the second meeting of the User Group. He re-emphasised that the Group has been set up to provide parties and their representatives with an opportunity to express their views on matters relating to the Competition Appeal Tribunal (CAT) and he encouraged members of the Group to communicate to the CAT any items to be included in the agenda for future meetings.

The Registrar confirmed that the minutes for the last two meetings would be posted on the CAT website.

The President provided an update on efforts to enlarge the User Group to include representatives from Northern Ireland, industry and consumers.

Section 16 Enterprise Act 2002

The President updated the User Group on the position with regard to section 16 and private damages actions before the Tribunal. Daniel Beard said that he could circulate a copy of a presentation he had given recently on the topic. He also agreed to draft a note setting out a comparison between private damages actions before the Tribunal and the High Court and circulate it to the Group.

Update of developments by the President

The President informed the Group of developments in relation to the recruitment of an additional Chairman of the Tribunal. He also noted that a process to recruit new ordinary members of the Tribunal would commence next year. The President mentioned that he had met the Lord President to discuss the appointment of a Scottish judge as a chairman of the Tribunal and would now need to have a further discussion of this matter with the Judicial Appointments Commission.

Guide to Proceedings

The President said that it was hoped that the Guide to Proceedings would be updated by the Tribunal during the course of next year. There was a discussion regarding proposed amendments to the Competition Appeal Tribunal Guide to Proceedings (October 2005). Jon Lawrence mentioned that he had a document setting out proposed amendments and it was agreed that other members of the User Group should be afforded the opportunity to add further items to that list if necessary. There was a discussion of how email could be used to a greater extent in the Tribunal's procedures.

Any other business

There was a brief discussion of the Tribunal's present and likely future workload.

It was decided that the User Group will next meet on 25 February 2010.

14 October 2009