



Jersey

# **ROYAL COURT (COMPETITION) RULES 2005**

## **Official Consolidated Version**

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## ROYAL COURT (COMPETITION) RULES 2005

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## ROYAL COURT (COMPETITION) RULES 2005

**THE SUPERIOR NUMBER OF THE ROYAL COURT**, in pursuance of Article 13 of the [Royal Court \(Jersey\) Law 1948](#) and Article 59 of the [Competition \(Jersey\) Law 2005](#), has made the following Rules –

Commencement [[see endnotes](#)]

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### 1 Interpretation

“Authority” means the Jersey Competition Regulatory Authority established by Article 2 of the [Competition Regulatory Authority \(Jersey\) Law 2001](#);

“Court” means the Royal Court;

“Greffier” means the Judicial Greffier;

“Law” means the [Competition \(Jersey\) Law 2005](#);

“party” means the party referred to in Rule 2(1).

### 2 Authority to be notified of certain proceedings

- (1) Where the Court is considering civil proceedings in which it is contended that –
  - (a) contrary to Article 8(1) of the Law, an undertaking has made an arrangement with one or more other undertakings that has the object or effect of hindering to an appreciable extent competition in the supply of goods or services within Jersey or any part of Jersey;
  - (b) contrary to Article 16(1) of the Law, there has been an abuse by one or more undertakings of a dominant position in trade for any goods or services in Jersey or in any part of Jersey;
  - (c) a person has executed a merger or acquisition of a type prescribed by an Order made under Article 20(3) of the Law; or
  - (d) there has been a breach of a direction given by the Authority in accordance with Article 36, 37, 38 or 40 of the Law,

or if the Court is considering civil proceedings brought by virtue of the Law (other than proceedings brought by the Authority) the party making any such contention or instituting such proceedings shall cause the Authority to be notified in writing and furnished with a copy of the pleadings within the time and in the manner set out in Rules 3 and 4.

- (2) The party shall not be required to notify the Authority where the Authority has been joined as a party to the proceedings by virtue of an order made under Rule 7.

### **3 Time within which Authority is to be notified**

- (1) If the contentions referred to in Rule 2(1) are contained in an order of justice the party shall cause the Authority to be notified and furnished with a copy of the order of justice within 2 days of the date on which the Order of Justice is tabled at the Judicial Greffe.
- (2) If the contentions referred to in Rule 2(1) are contained in an answer or other pleading the party shall cause the Authority to be notified and furnished with a copy of the pleadings within 2 days of the date on which the pleading is filed at the Judicial Greffe.

### **4 Manner in which Authority is to be notified**

The written notification pursuant to Rule 2(1) must be served personally on an officer of the Authority together with a copy of the order of justice and any other pleadings that have been filed in the proceedings.

### **5 Filing etc. of notification**

The party as soon as practicable after notification has been given to the Authority in accordance with Rule 4 must –

- (a) file with the Greffier a copy of the written notice and the original of the Viscount's record of service; and
- (b) send to each of the other parties to the proceedings a copy of the written notice and of the Viscount's record of service and notify the Greffier in writing of having done so.

### **6 Application to be joined as party and stay of proceedings**

- (1) If the Authority wishes to be joined as a party to the proceedings, it must give notice in writing to that effect to the Greffier not later than 21 days after it receives notification in accordance with Rule 4 and the proceedings shall be stayed until such notice is given or until that period has elapsed, whichever is the shorter.
- (2) However, the Authority may at any time give notice to the Greffier that it wishes to be joined as a party to the proceedings.

**7 Joinder of Authority as a party to the proceedings**

Upon receipt of a notice pursuant to Rule 6, the Greffier shall order that the Authority be joined as a party to the proceedings and shall give such directions as he or she may consider appropriate for the filing of pleadings, and Rule 6/10(3) of the [Royal Court Rules 2004](#) shall apply.

**8 Powers of the Greffier**

If it appears to the Greffier that there are proceedings before the Court to which Rule 2(1) applies and that the Authority has not been notified by the party required to give notice the Greffier may –

- (a) order the party to notify the Authority; or
- (b) take such action as he or she considers appropriate to notify the Authority of the proceedings,

and, once the Authority has been so notified, Rules 6 and 7 shall apply.

**9 Citation**

These Rules may be cited as the Royal Court (Competition) Rules 2005.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Royal Court (Competition) Rules 2005	<a href="#">R&amp;O.29/2005</a>	1 May 2005

### Table of Endnote References

*There are currently no endnote references*