

## UK-wide competition claim filing will decrease costs – lawyers

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- 'Fantastic development' could see more claims, lower costs and quicker trials, lawyers say
- New procedure calls into question 'London-centric' view of competition litigation
- CAT's willingness to sit outside London may have 'laid the ground' for change

The ability to file competition law claims in the UK outside London from next week could break London's "stranglehold" on competition law cases, while also lowering legal costs and boosting regional law firms across the UK, lawyers have told PaRR.

The new Business and Property Courts (BPCs) of England and Wales, an umbrella for the specialist jurisdictions of the Commercial, Chancery Division and Technology and Construction Courts will become operational on Monday (2 October).

As well as bringing the specialist jurisdictions together in the Rolls Building in London, BPCs have also been established in five regional centres in England and Wales, namely in Birmingham, Bristol, Cardiff, Leeds and Manchester, allowing competition claims to be filed outside of London for the first time.

Adam Aldred, a barrister with Kings Chambers in Leeds, said the changes were a "fantastic development" for regional law firms, "many of which are breaking into the competition law space".

He said the old practice direction, requiring competition cases to be issued in London in either the Chancery or Commercial Court, "used to funnel work to London", where the expense of competition litigation "puts people off".

Aldred suggested that now regional firms could "develop competition law expertise and develop circuits in the regions, where much of the work originates".

Professor Pinar Akman, director of the Centre for Business Law and Practice at the University of Leeds' School of Law, said the change "might make it a little less expensive to pursue competition cases" and could also increase the amount of competition litigation in other regions of the UK.

She said the development would "increase accessibility" to redress, as well as having a "positive impact" by encouraging more

PROPRIETARY

**Sector:** Services (Other)  
**Topics:** Policy Developments

**Grade:** Confirmed

**Agencies**

UK Competition Appeal Tribunal (CAT)  
High Court Of Justice Of England And Wales  
University Of Leeds

There are no files associated with this Intelligence

damages cases to be pursued, adding that “everyone in Europe seems to be trying to encourage” the pursuit of private damages claims.

Matthew O’Regan, a Bristol-based barrister with St John’s Chambers, said that it was “a big change in general for civil litigation, but particularly for competition”.

He said that, while he thought that “big follow-on damages actions” would still be heard in London, that there were “a lot of smaller cases that ought to be heard in the region” the facts of the case occurred in, which could also mean some cases could be heard “more quickly”, as well as having benefits “for regional firms and the regional bar”.

He said that “cases that arise out of a particular region, particularly involving SMEs, for example cartels or abusive conduct affecting a local area, or disputes over agreements affecting a local business” would be the kind of cases suited to being brought in the new regional centres.

Aldred said that the changes meant that “London no longer has a stranglehold on this work” and challenged “the London-centric view of the world, that there is only one place in the UK that you need to resolve a dispute”.

He noted that the Competition Appeal Tribunal (CAT) had sat in Belfast, Cardiff and Edinburgh, suggesting: “Perhaps the CAT’s willingness to move around the UK help laid the ground for this change.”

O’Regan disagreed, however, pointing out that the new procedures applied “generally to all commercial litigation”, not just competition cases, and was also intended to “partly relieve the pressure on London”.

He added that the CAT was still “quite attractive” as a jurisdiction for smaller cases “because of the fast track procedure and cost capping” and said he hoped that this latest development would be “another example... of opening up the availability of courts to more businesses and individuals affected by anti-competitive behaviour”.

O’Regan did, however, flag the “availability of specialist judges outside London”, but said that provided that High Court judges with competition law experience went “on the circuit, there is no reason a competition case should not be heard in one of the five regional centres.”

by Sam Tobin in London

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