

## CHAPTER 87

### CAUSES RELATING TO ARTICLES 81 AND 82 OF THE TREATY ESTABLISHING THE EUROPEAN COMMUNITY

**87.1.-** (1) In this rule -

“the Treaty” means the Treaty establishing the European Community;  
“the OFT” means the Office of Fair Trading.

(2) In an action where an issue under Article 81 or 82 of the Treaty is raised:-

- (a) by the pursuer or petitioner in the sum
- (b) by the defender or respondent in the defences or answers; or
- (c) by any party in the pleadings;

intimation of the action shall be given to the OFT by the party raising the issue, by a notice of intimation in Form 87.1.

(3) Where the issue under Article 81 or 82 of the Treaty is raised in the summons or petition, a warrant for intimation shall be inserted in the summons or petition in the following terms: “Warrant to intimate to the Office of Fair Trading”.

(4) Where the issue under Article 81 or 82 of the Treaty is raised in defences, answers or in any other part of the pleadings, the party raising the issue shall apply by motion for an order for intimation to the OFT.

(5) A certified copy of an interlocutor granting a motion under paragraph (4) shall be sufficient authority for the party to intimate by notice in Form 87.1.

(6) The notice of intimation shall be served on the OFT within such period as the court shall specify in the interlocutor allowing intimation.

(7) There shall be attached to the notice of intimation -

- (a) a copy of the pleadings (including any adjustments and amendments);
- (b) a copy of the interlocutor allowing intimation of the notice; and
- (c) where the pleadings have not been amended in accordance with a minute of amendment, a copy of that minute.