



## ***3PB's Pupil Newsletter*** Pupil Publications During the Pandemic



***“The Inns-of Court were all shut up; nor were very many of the Lawyers in the Temple or Lincolns-Inn or Greyes-Inn to be seen, Every Body was at peace, there was no Occasion for Lawyers...”*** (Daniel Defoe: A Journal of the Plague Year published in 1722 describing the London epidemic of 1665).

“300 years on, and by contrast, our pupils have not been idle during this pandemic. I am delighted to associate myself with their scholarship, erudition and sense of fun so well demonstrated in the production of this amazing newsletter. A product of its time.”

***David Berkley QC, Head of Chambers***

*In future years, when idle talk on the Pegasus Terrace turns to the hardships of pupillage, the Pandemic Pupils will always have the final word. Our 3PB Pupils will not only be able to tell a tale of hardship, but also one of persistence and resilience, of how at the end of the day they are better barristers because of what they have experienced and learned during these difficult days. Of how they refused to allow themselves to be defeated or to become downhearted. I will buy the first round.*

**Cheryl Jones, Head of Pupillage**

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# 3PB Pupil Newsletter

## PUPIL PUBLICATIONS DURING THE PANDEMIC

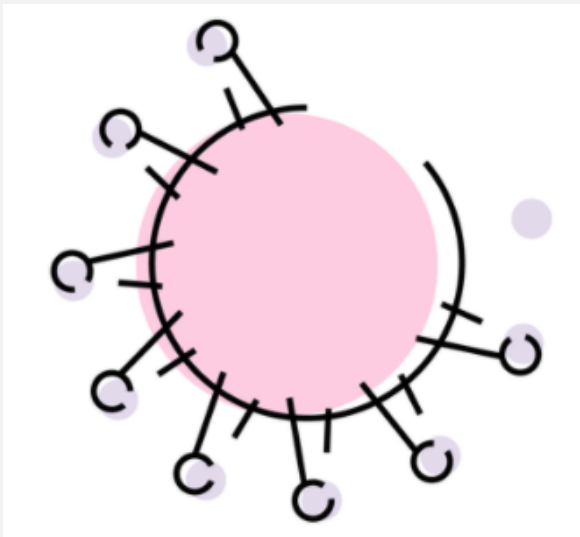


IMAGE SOURCE [HERE](#)

### BMA Guidance on COVID-19: Issues of Ethics and Liability

GEMMA RALPH  
20 APRIL 2020

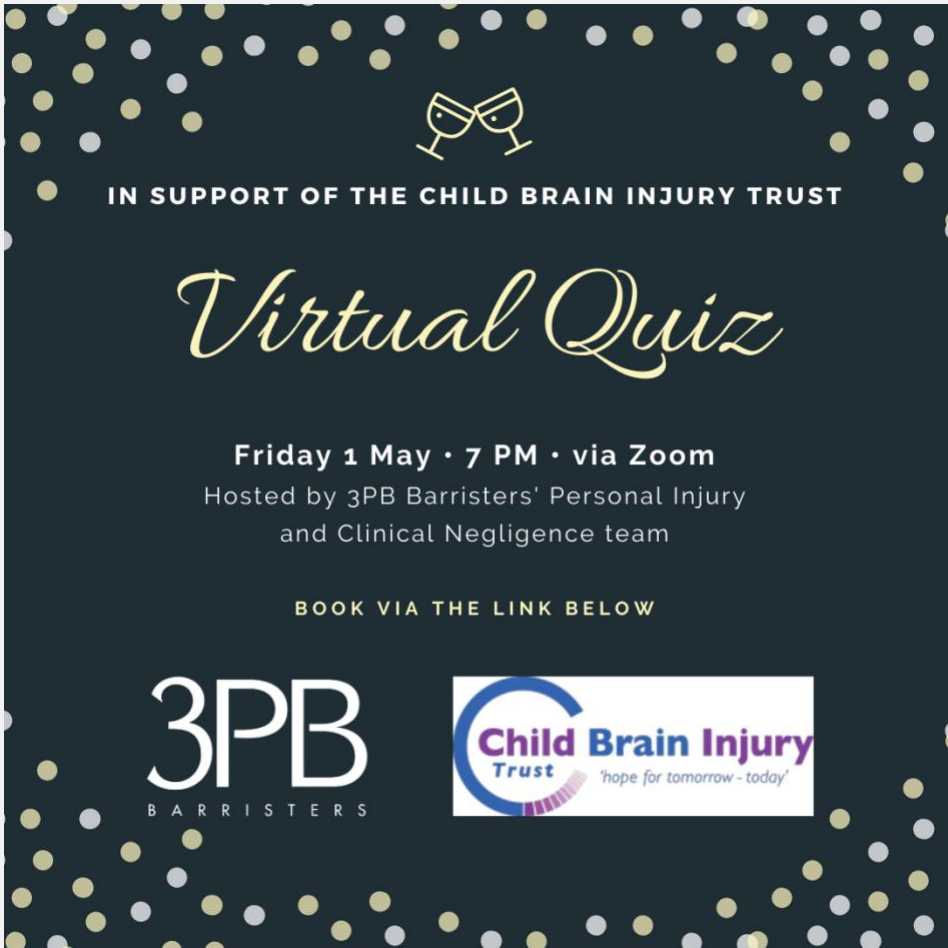
#### Introduction

During the COVID-19 pandemic, health care professionals are working under extreme pressure.

The British Medical Association (BMA) recently published guidance for doctors on ethical issues likely to arise when providing care and treatment during the COVID-19 outbreak: [COVID-19 – ethical issues. A guidance note](#). The guidance anticipates liability issues around clinical decisions made by doctors during the crisis. **[continued on page 5]**



IMAGE SOURCE [HERE](#)



Click [here](#) to register for the Virtual Quiz hosted by 3PB's PI & Clinical Negligence Team

## Coronavirus Act 2020: How will it affect those who fall ill?

MARIYA PEYKOVA  
25 MARCH 2020

The Coronavirus Act 2020 (“the Act”) came into force on 25th March 2020. Among other things, the Act confers powers on public health officers, constables, and immigration officers to enable them to manage potentially infectious persons during the Covid-19 crisis. Schedule 21 of the Act contains provisions that enable the relevant officials to exercise their powers in respect of individuals in England, Wales and Scotland. This article will only focus on Part 2 of Schedule 21, which pertains to the powers of the government in England.

#### When can the government exercise the powers under the Act?

(a) A declaration of risk is required

The powers are exercisable upon a “declaration of risk of coronavirus” (“the declaration”). A declaration may be made at any time if the Secretary of State is of the view that (i) the incidence or transmission of coronavirus constitutes a serious threat to public health and (ii) the powers conferred by the Act in relation to potentially infectious individuals will be an *effective way of delaying or preventing* significant further transmission. Where the Secretary of State ceases to be of the opinion that the above criteria are met, he or she *must* revoke the declaration. **[continued on page 2]**

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## CORONAVIRUS ACT 2020 AND THE POWERS OF THE GOVERNMENT TO MANAGE INDIVIDUALS INFECTED WITH COVID-19: HOW WILL IT AFFECT THOSE WHO FALL ILL? [CONTINUED FROM PAGE 1]

MARIYA PEYKOVA  
25 MARCH 2020

Prior to making or revoking the declaration, the Secretary of State must consult the Chief Medical Officer or any of the Deputy Chief Medical Officers of the Department of Health and Social Care. For the declaration to have legal effect, it must be published online (i.e. on the government website) and must subsequently be published in the London Gazette. A declaration can be made on more than one occasion, and the Act does not contain a limit on how many times the Secretary of State can do so, as long as the relevant criteria under the Act is met.

### (a) The Secretary of state does not have an obligation to make a declaration

It is notable that the Secretary of State has a discretion on whether to make a declaration under the relevant provisions. However, the declaration *must* be revoked once the Secretary of State is satisfied that the risk is no longer present and/or the relevant measures are no longer effective in delaying or slowing transmission. The making or revocation of a declaration is a crucial step in the fight against the virus, as the wording of the Act suggests that the powers cannot be exercised in the absence of a declaration.

### (b) Duration

The Act does not provide for a minimum or maximum duration of the 'transmission control period', i.e. the period between the making and revocation of a declaration. Theoretically, this means that the 'transmission control period' could last for as long as the Secretary of State is satisfied that there is a risk of coronavirus, and the relevant measures are needed to delay or slow significant further transmission.

## What measures can the government take when a declaration is made and who will enforce those measures?

### (a) Potentially infected individuals can be removed and placed in places suitable for screening and assessment

Public health officers, constables and immigration officers have the power to direct or remove persons to a place suitable for screening and assessment, where they have reasonable grounds to suspect that a person is potentially infectious. This power is only exercisable if it is necessary and proportionate to do so (i) in the interests of the said person, (ii) for the protection of other people, or (iii) for the maintenance of public health. Where a public health officer, constable, or immigration officer exercises the powers conferred by the Act, they must inform the relevant individual of the following:

- (i) The reason for their direction or removal to a relevant place for screening or assessment, and
- (ii) That failure to comply with such directions constitutes an offence.

To exercise the powers, a relevant official must have 'reasonable grounds to suspect' that a person is potentially infectious. The Act does not provide additional information on what constitutes 'reasonable grounds to suspect', but case law - particularly in the context of criminal law and cases involving deprivation of liberty – suggests that there must be a factual basis for the suspicion. However, there is a wide degree of executive discretion; it is anticipated that individuals exercising the power may do so where a potentially infectious person displays one or more of the recognised symptoms or has been in contact with a confirmed case. Where the decision to direct or remove is made by a constable or immigration officer, they must – if practicable to do so – consult with a public health officer prior to exercising these powers.

### (b) What could happen once a potentially infectious person is taken to a place suitable for screening or assessment

A public health officer may require a potentially infectious person to remain at a place suitable for screening or assessment for up to 48 hours, if it is deemed necessary and proportionate, whether because it is in the interests of that person, or for the protection of other people. The potentially infectious person must be informed of the reason for this requirement, the maximum period they are required to remain there, as well as that failure to comply with the requirement is an offence. Public health officers and constables have powers of enforcement in case of non-compliance.

A public health officer may impose a requirement on an individual to be screened and assessed, which could include providing biological samples for testing (i.e. blood, urine, swabs), answering questions about their health, travel history, and contact with others, produce



relevant documents that will enable to trace contacts, as well contact details of others he or she may have come into contact with. The following requirements may be imposed on a person after screening or assessment:

- (i) Direction or removal to another suitable place;
- (ii) Requirement to remain at a specified place for a specified period of time;
- (iii) Requirement to remain in isolation for a specified period of time;
- (iv) Requirement to provide his or her contact details;
- (v) Requirement to attend a further screening or assessment.

Any specified period of time may not exceed 14 days (unless necessary and proportionate to extend, subject to a mandatory further health assessment and review after 48 hours and - if extended further – subject to review every 24 hours). If a period is extended after an initial restriction is imposed, that period – unless it pertains to a requirement to remain in self-isolation – cannot exceed 14 days.

Further restrictions that can be imposed after screening and assessment include travel restrictions, restrictions on contact with certain individuals, as well as restrictions on certain activities. It is important to note that at all times, public health officers have a duty to inform affected persons of the reasons why restrictions are imposed, the length of time these restrictions are valid for, as well as the consequences of non-compliance. Decisions to impose restrictions on an individual, or any further decisions to extend the period of a restriction, are appealable to the magistrates' court.

#### (c) The powers of constables and immigration officers

Constables and immigration officers have the same powers as public health officials in directing and removing potentially infectious individuals to a place suitable for screening and assessment. Constables also have enforcement powers where affected individuals refuse to comply with requirements and directions when at the place of screening and assessment. In addition, a constable or immigration officer can keep a potentially infectious person at a place suitable for screening and assessment until a public health officer can review them. A potentially infectious person cannot be kept at such a place for longer than 24 hours by a constable, or longer than 3 hours by an immigration officer. There is also a requirement on constables and immigration officers to consult with a public health officer, if possible, prior to exercising their powers. This is coupled with the requirement to explain the reasons, length of time, and consequences of failure to comply.

#### **Can the powers be exercised to detain a child?**

The abovementioned powers are also exercisable against children. However, any directions given in line with the powers exercisable under the Act must be given to an individual who has responsibility for the relevant child. If there is no suitable adult with responsibility for a child, the relevant official – prior to exercising the powers under the Act – must (if practicable) contact an individual who has responsibility for the child, or appoint an individual that the relevant official considers to appropriate (having regard to the views of the child). If the above steps cannot be taken practicably, then the official exercising the power must take all reasonable steps after exercising the power to inform the relevant adult. Any rights of appeal are exercisable by the adult with responsibility for the child.

#### **Are there any formalities in respect of the directions, instructions, or requirements imposed on potentially infectious individuals?**

Any direction, instruction, or requirement under Part 2 of Schedule 21 must be given or imposed orally or in writing. Where an instruction, requirement, or direction is given orally by a public health officer after assessment, the relevant public health officer must as soon as is reasonably possible provide a notice in writing.

#### **Who will be affected?**

Those who will be affected by the measures are 'potentially infectious persons', both adults and children. The Act defines a 'potentially infectious person' as (i) any person who *is* or *may be* infected or contaminated with coronavirus, and there is a risk that the person might infect or contaminate others, and/or (ii) anyone who has been in an infected area with the 14 days preceding that time. The wording of the Act suggests that this applies to both confirmed and unconfirmed cases (i.e. those who exhibit symptoms, but have not been tested), as well as 'infected' and 'contaminated' individuals, i.e. individuals who have tested positive for the virus, but potentially also those who have had contact with confirmed cases.

## Who will be affected? What will be the effects of non-compliance?

A person will commit an offence in the following circumstances:

- (i) Where a person fails without reasonable excuse to comply with any direction, requirement or condition imposed on them by a person or authority exercising the powers contained in Part 2, Schedule 21.
- (ii) Where a person fails without reasonable excuse to comply with any of the prescribed duties of individuals who have responsibility for a child (see paragraph 18 (1) and (2)).
- (iii) Where a person absconds or attempts to abscond while being removed or kept at a suitable place, as described above.
- (iv) Where a person knowingly provides false or misleading information in response to a requirement to do so.
- (v) Where a person obstructs another who is exercising or attempting to exercise a power conferred by the Act.

A person who is found guilty of any of the above offences will be liable on summary conviction to a fine not exceeding £1000.

## The Coronavirus Act and individual rights

Schedule 21 of the Act potentially engages articles 5 and 8 of the European Convention on Human Rights ('ECHR'), as it confers powers on agents of the state to deprive affected individuals of their liberty for short or longer periods of time, as well as impose restrictions on movement (not all restrictions on movement fall within the ambit of article 5 ECHR), and make relevant requests for information, potentially interfering with an individual's right to privacy. However, most human rights are qualified, i.e. there are prescribed exceptions and situations in which the government can interfere with such rights; for example, where there is a national emergency. The following observations can be made in relation to the measures proposed by the government:

- Article 5 ECHR provides for a number of exceptions to the general rule that nobody shall be deprived of their liberty. One such exception is where an individual is detained lawfully for the prevention of the spreading of an infectious disease. Thus, powers to remove and detain potentially infectious individuals will not necessarily breach article 5.
- Article 8 ECHR, which safeguards the right to privacy and family life, allows for exceptional circumstances in which the right can be interfered with where it would be in the interests of public safety. In the context of a serious public health crisis, requests to provide further information and contact details of key individuals (to enable the relevant authorities to contain the spread of the virus) will not necessarily breach article 8.
- All interference with individual rights must be necessary and proportionate, whatever the circumstances. This means that the powers of the government must be exercised in a manner which is not excessive and the relevant interference is proportionate to the harm it seeks to prevent. The measures introduced by the Act are necessary to respond to one of the biggest public health crises in a century. Their proportionality will depend on the facts of each case, and how the powers are subsequently exercised.
- The Act provides for a right of appeal, which individuals can rely on if any of the restrictions imposed on them are disproportionate. The exercise of powers conferred on the Secretary of State and other government arms are subject to judicial review in the usual way.
- Slightly concerning is the fact that the Act has an expiry period of 2 years, with a possibility for extending the duration of the Act for another 6 months (a so-called 'sunset clause'). Some have argued that this is a disproportionately long period of time for an Act that effectively amounts to emergency legislation, especially where the power to amend the expiry date lies in the hands of Ministers, not Parliament.

In conclusion, even though the Act has introduced measures which are both necessary and proportionate to enable the government to manage the worst public health crisis in a generation, the duration of such measures, and the manner in which the relevant powers are exercised, will need to be scrutinised continuously to ensure that the rights of individuals are not disproportionately interfered with.



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SUMMARY OF GUIDANCE ON ISSUES OF ETHICS AND LIABILITY DURING THE COVID-19 PANDEMIC

[CONTINUED FROM PAGE 1]

GEMMA RALPH  
20 APRIL 2020

The guidance also anticipates liability issues around the potential use of relatively novel and untested pharmaceutical interventions.

The General Medical Council’s (GMC) forthcoming statement emphasises that the scale of the challenges to delivering safe care would be relevant to a question about the clinical care provided by a doctor.

[Section 11 of the Coronavirus Act 2020](#) makes provision for an “Indemnity for health service activity: England and Wales”.

The Medical Defence Union (MDU) has [called for a national debate](#) to protect the NHS from COVID-19 clinical negligence claims.

This article is not an exhaustive analysis, rather excerpts from guidance of note.

An ethical framework

The BMA guidance reassures doctors that they are extremely unlikely to be criticised for the care they provide during the pandemic where decisions are:

- i) Reasonable in the circumstances;
- ii) Based on the best evidence available at the time;
- iii) Made in accordance with government, NHS or employer guidance;
- iv) Made as collaboratively as possible;
- v) Designed to promote safe and effective patient care as far as possible in the circumstances.

Principles and values for resource allocation decisions

The guidance anticipates difficult decisions about how to distribute scarce lifesaving resources. The UK government issued an ethical framework for strategic aspects of decision-making during COVID-19, as well as providing an ethical compass for clinicians, titled [Responding to COVID-19: the ethical framework for adult social care](#).

This framework was adapted from the ethical framework first developed by the Committee on Ethical Aspects of Pandemic Influenza in 2007 and was revised by the Department of Health and Social Care in 2017. It takes the form of several guiding principles, which are:

- i) Respect;
- ii) Reasonableness;
- iii) Minimising harm;
- iv) Inclusiveness;
- v) Accountability;
- vi) Flexibility;
- vii) Proportionality;
- viii) Community.

The BMA guidance foresees that it is possible that, in certain circumstances, “Health professionals may be obliged to withdraw treatment from some patients to enable treatment of other patients with a higher survival probability. This may involve withdrawing treatment from an individual who is stable or even slowly improving but whose objective assessment indicates a significantly worse prognosis than that of another patient who requires the same resource”.

Although doctors would certainly find these decisions very difficult, the guidance says that “if there is radically reduced capacity to meet all serious health needs, it is both lawful and ethical for a doctor, following appropriate prioritisation policies, to refuse someone potentially life-

saving treatment where someone else is expected to benefit more from the available treatment”.

The guidance states that “It is essential that, should they be required to, doctors make these decisions in accordance with decision-making protocols rolled out by employing or commissioning organisations”. It says that all decisions concerning resource allocation must be:

- i) Reasonable in the circumstances;
- ii) Based on the best available clinical data and opinion;
- iii) Based on coherent ethical principles and reasoning;
- iv) Agreed on in advance where practicable, while recognising that decisions may need to be rapidly revised in changing circumstances;
- v) Consistent between different professionals as far as possible;
- vi) Communicated openly and transparently;
- vii) Subject to modification and review as the situation develops.

Liability issues – clinical decisions by individuals

The guidance states that “During the pandemic, health professionals are likely to be exposed to considerable amounts of stress, may be working well beyond their normal hours, and will be subject to anxiety about their own health and that of their families. In emergency situations, it may also be ethical for health professionals to consider intervening to provide treatment at the limits of or even beyond their competence in order to prevent serious harm. Retired health professionals are returning to practice and final year medical students are being fast-tracked. The skills of these professionals may not meet pre-pandemic expected standards of fitness to practise, but they may nevertheless be able to make a vital contribution. In extreme circumstances, even untrained staff may be required to undertake some functions. This will inevitably give rise to questions about professional and legal liability and indemnity”.

In relation to concerns raised about a doctor’s fitness to practise during the pandemic, the GMC states (forthcoming):

“Whenever a concern is raised with us, we always consider it on the specific facts of the case, taking into account the factors relevant to the environment in which the doctor is working. We know that health services are under intense pressure, and managers and clinicians are making difficult decisions about how to provide care to patients often in extremely challenging circumstances. The scale of the challenges to delivering safe care would be relevant to a question about the clinical care provided by a doctor. In addition, we’d consider the resources available to the doctor, the problems of working in unfamiliar areas of practice and the stress and tiredness that may affect judgment or behaviour. We would also take account of any relevant information about resource, guidelines or protocols in place at the time. The primary requirement for all doctors is to respond responsibly and reasonably to the circumstances they face.”

Liability issues – developing vaccines

The BMA guidance states that ”The arrival of a pandemic will also require the rapid development and deployment of vaccines and anti-virals. The urgency of the event will mean that the normal procedures for development and licensing may have to be suspended or adapted to the demands of the emergency. In turn this could lead to health professionals using large numbers of relatively novel and untested pharmaceutical interventions. Mass use of untried vaccine could result in numerous adverse events. Issues of liability will therefore have to be addressed as a matter of urgency by the Government”.

[continued on page 6]



CONSTRUCTION

Working in the UK Construction Industry during the  
Coronavirus Pandemic  
- Some of the Legal and Practical Challenges and Solutions

By Georgina Dietrich  
Pupil Barrister

1. **30 March 2020** As the world goes through the different phases of Covid-19, the message in the UK was clear – you must stay at home, unless you have one of four reasons to leave your property: shopping for groceries or essentials; any medical need, which includes providing care or help to a vulnerable person; one form of exercise per day; or travelling to and from work, if it is absolutely necessary and you cannot work from home.
2. On 24 March, First Minister Nicola Sturgeon announced that building sites should be shut in Scotland, unless they involve an essential building, such as a hospital. In Downing Street Health Secretary Matt Hancock said that construction workers, many of whom work outdoors, could and should continue working, provided they can remain two metres apart at all times. The dilemma faced in the construction industry is that a significant number of people simply cannot work from home and many workers will not get paid if they do not show up for work. This sector is also unusual because of its high proportion of self-employment (36%). **[continued on page 7]**

Coronavirus Lockdown

Hints & Tips for Life  
during Lockdown

Are you a Carer?

If you have a vulnerable person living with you, including the elderly, take a look at the government's official [stay at home guidance](#) for detailed recommendations.

If you receive support from health and social care organisations, for example, if you have care provided for you through the local authority or health care system, this will continue as normal. Your health or social care provider will be asked to take additional precautions to make sure that you are protected.

It is fundamental that you stick to social distancing measures as strictly as possible to protect them.

- The government's official advice for formal carers is included in the [home care provision](#)
- The BBC has an article on [how to care for the elderly](#) during COVID-19
- Carers UK also has [detailed advice on caring for the elderly](#) during COVID-19
- You can share the [Age UK's COVID-19 information](#) directly with older relatives

[continued on page 11]

SUMMARY OF GUIDANCE ON ISSUES  
OF ETHICS AND LIABILITY DURING  
THE COVID-19 PANDEMIC  
[CONTINUED FROM PAGE 5]

Comment

Whilst we all sincerely hope that such guidance would never need to be implemented, it addresses the situation where doctors would be obliged to implement decision-making policies which mean that some patients may be denied intensive forms of treatment that they would have received outside a pandemic.

The test for clinical negligence in treatment is well-established. *Bolam v Friern Hospital Management Committee* [1957] 1 WLR 582 sets out that a doctor is not negligent if they have acted in accordance with a responsible body of opinion. *Bolitho v City and Hackney Health Authority* [1998] AC 232 narrowed the scope of the test, stating that the court must be satisfied that the body of opinion relied upon has a logical basis.

It remains to be seen whether these legal tests will be re-considered in light of the extreme demands placed on doctors during the COVID-19 pandemic.

The BMA's urgent call on the government to clarify liability issues around the rapid development and deployment of vaccinations and anti-virals will also be of interest to practitioners.

Further reading

The National Institute for Care and Excellence's [Revised COVID-19 rapid guideline: critical care in adults](#).

The Royal College of Physicians' [Ethical dimensions of COVID-19 for frontline staff](#).

Ventilator allocation: The New York State Department of Health's State Task Force on Life and Law [Ventilator Allocation Guidelines](#).

*Whilst every effort has been made to ensure the accuracy of this article as of the date of writing (20 April 2020) it should not be relied upon as legal advice and no liability is accepted in respect of the same.*



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**WORKING IN THE UK CONSTRUCTION INDUSTRY DURING THE CORONAVIRUS PANDEMIC [CONTINUED FROM PAGE 6]**

3. As a growing number of construction sites are closing to protect workers, the Chancellor of the Exchequer Rishi Sunak has introduced an Income Support Scheme for the Self-Employed which will offer a direct cash grant of 80% of profits (up to £2,500 per month) for at least three months to those who have had a trading profit under £50,000 per annum for the last three years.
4. To qualify, more than half of your income for each of those years must have come from self-employment. To minimise fraud, the government has decided to limit the scheme to those who are already in self-employment and were trading last year, i.e. excluding the newly self-employed. HMRC will identify eligible individuals and start payments in the beginning of June, backdating payments until March 2020 (please click [here](#) for more information).
5. Whether you are a self-employed worker on site, a small or medium sized contractor, or a main contractor, Covid-19 has and will continue to impact the industry you operate in. This information bulletin looks at some of the legal and practical challenges and solutions you may wish to consider during these testing times, such as:
  - protection of workers
  - contractual performance
  - managing the risk of insolvency

**Protection of Workers**

6. Besides complying with all existing mandatory requirements, parties are encouraged to ensure everyone working on site is well informed of preventative measures such as hand washing and social distancing (2 metres), but also as to what they should do if they experience Covid-19 like symptoms – i.e. a high temperature and a new and continuous cough, or if they have been in close contact with someone who has these symptoms (please [click](#) here for further information).
7. Part of this effort may include updating current health and safety policies to ensure appropriate, prompt and deployable procedures are in place in case of a suspected infection. The Construction Leadership Council (CLC) has developed [Site Operating Procedures](#) specifically tailored to construction sites operating during the coronavirus pandemic with a view to introducing consistent measures on all sites of all sizes in line with the government's recommendations.
8. [The Construction \(Design and Management\) Regulation 2015 \(CDM 2015\)](#) (the "Regulation") sets out that people involved in construction work, i.e. clients, the principle contractor and contractors, including the self-employed, must ensure that there are adequate welfare facilities on site for workers under their control in order to protect themselves and/ or others from harm.
9. Requirements in [Schedule 2](#) of the Regulation state that sanitary conveniences must be kept in clean condition so far as it is reasonably practicable and that washing facilities must include a supply of hot and cold, or warm, water as well as soap or other suitable means of cleaning as well as towels or other means of drying.
10. Sadly, these basic requirements are often neglected. However, during the coronavirus outbreak it is ever more important that these requirements are adhered to (see also the government guidance for employers and businesses on coronavirus [here](#)).

**Contractual Performance**

11. Covid-19 is likely to have an impact on contractual performance. Projects may be delayed, for example due to travel restrictions on workers, a delay in the delivery of goods and materials or a lack of healthy workers to operate equipment (etc.).
12. Now is the time to review your contract and in particular the *force majeure* clause to ensure you do not miss the time limits for requesting an extension of time or fail to comply with any other notice requirements. It is key to document how the effects of Covid-19 have caused delay to the critical path. Also review the dispute resolution process under the contract and ascertain what cover you may have under your insurance policy.
13. Parties are encouraged to consider how they best manage their business relationships. An adversarial approach may be counterproductive in the current situation and stand in the way of finding collaborative solutions.



Managing the Risk of Insolvency

14. An estimated 20% of all small and medium sized businesses in the UK operate in the construction industry. There were 2.4 million jobs in the construction sector, i.e. 6.6% of all UK jobs in Q2 2019, with an economic output of £117 billion measured in 2018 (6% of the UK total). There are 343,000 construction businesses that have employees or that are VAT registered.<sup>1</sup>
15. Taking this into account the employment and wage subsidy package announced by the Chancellor of the Exchequer Rishi Sunak on Friday 20 March 2020 which aims to protect millions of jobs through government grants provided under the Coronavirus Job Retention Scheme (the “Scheme”) may well benefit employees in the construction industry. The Scheme will cover 80% of the salary of retained workers, up to a total of £2,500 a month, and will be backdated to 01 March 2020. This has come just days after the government unveiled a variety of financial measures, including £350bn in loans and £20bn in other aid. Other relevant financial support measures can be found [here](#).
16. Annual MOTs for all heavy goods vehicles (HGVs) and public service vehicles (PSVs) have been suspended for up to 3 months from 21 March 2020. Please visit the Driver & Vehicle Standards Agency (DVSA) publication for further information [here](#).
17. Most recent statistics (2018) suggest that new housing orders amounted to 35% of all construction orders, commercial orders for 25% and infrastructure orders for 19%. The same year public sector work excluding housing and infrastructure has seen new orders in the sum of £8.2bn (13% of total new orders). Taking this into account, two recently published Procurement Policy Notices (PPNs) may be welcome news for some public sector construction suppliers.
18. [PPN 01/20](#) allows public authorities to enter into and modify contracts without following the usual procedures. [PPN 02/20](#) requires authorities to pay suppliers at risk as usual even if service delivery is disrupted or temporarily suspended. This is to ensure suppliers are in a position to resume normal contract delivery after the current crisis. To qualify suppliers must agree to act on an open book basis and make cost data available to the contracting authority during this period, and suppliers should continue paying employees as well as flow down funding to their sub-contractors.

*Whilst every effort has been taken to ensure the accuracy of the contents of this article, the position in relation to Covid-19 is rapidly changing. This document should not be used as a substitute for obtaining legal advice. If you have a particular query, please contact the 3PB clerking team, who will be happy to direct your enquiry to the relevant person.*

30 March 2020



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INSOLVENCY

Insolvency in times of coronavirus: a short, practical guide for businesses and insolvency practitioners

MARIYA PEYKOVA  
16 APRIL 2020

This short practical guide for businesses and insolvency practitioners sets out the proposed and existing measures introduced by the government to help businesses during the coronavirus crisis. The note will also look at the key provisions of

the Temporary Insolvency Practice Direction (“TIPD”), introduced in April 2020. This practical guide outlines the impact of the new provisions and measures on the listing of hearings, including remote hearings, and offers businesses and insolvency practitioners some practical links, tips, and recommendations to assist during the testing times ahead.

New government measures to assist businesses during Covid-19

The government has announced plans to introduce legislation aimed at assisting businesses hit by the coronavirus crisis. Some of the new measures **[continued on page 9]**

<sup>1</sup> <https://www.ons.gov.uk/businessindustryandtrade/constructionindustry>

will include the following:

- A three-month suspension of the wrongful trading rules, which is aimed at removing the threat of directors incurring personal liability while trading during the pandemic. Directors trading during these uncertain times need to be aware that this change to the law will apply retrospectively from 1 March 2020, thus it will not cover any period prior to 1 March 2020. It is also notable that all existing ‘checks and balances’ introduced to ensure that directors will fulfil their legal obligations will remain unchanged and in force.
- Measures to allow companies to continue to access essential supplies (i.e. raw materials, component parts, energy etc) while attempting to rescue the business.
- Companies undergoing restructuring will be given a time-limited moratorium from creditor action. It is not clear yet what the duration of the moratorium will be; it is anticipated that additional information will become available as the situation progresses and the relevant legislation is introduced in Parliament.
- There are plans to introduce legislation to ensure that companies required by law to hold Annual General Meetings (AGMs) will be able to do so safely and consistent with government guidance on social distancing. The plan is for companies to be extended greater flexibilities, such as holding AGMs online, or postponing such meetings altogether. The government has also introduced a number of other measures to assist businesses affected by the Covid-19 crisis. For example, on 23rd March 2020, the government announced a moratorium on commercial property evictions for businesses that do not make rent payments on time. In addition, companies affected by Covid-19 can now file for a three month extension to the filing of their accounts.

**The Temporary Insolvency Practice Direction (“TIPD”)**

The temporary insolvency practice direction (“TIPD”) came into force on the evening of 3rd April 2020. The purpose of TIPD is to reduce the need for parties to attend court in person during the Covid-19 pandemic and to minimise some of the issues related to courts having to operate with limited staff and resources. The temporary directions supplement the [Practice Direction Insolvency Proceedings July 2018](#) and should thus be read in conjunction with the relevant PD.

**What is the duration of the TIPD?**

The temporary directions will be in force until 1 October 2020 unless amended or revoked by a further insolvency practice direction in the meantime.

**Which proceedings does the TIPD apply to?**

The TIPD applies to all insolvency proceedings in the Business and Property Courts, subject to variations for businesses outside London and as directed by the relevant supervising judge (see more on this below).

**What variations apply for businesses outside London?**

The TIPD deals with businesses throughout the Business and Property Courts, save for the treatment of petitions. These are subject to any modifications provided for in separate guidance issued by the supervising judge for each relevant court centre. Guidance for court centres across the country is accessible via the links below:

- Information on the courts in Birmingham is accessible [here](#).
- Information about the courts in Bristol is accessible [here](#).
- Information about the courts in Leeds is accessible [here](#).
- Information about the courts in Liverpool is accessible [here](#).
- Information about the courts in Manchester is accessible [here](#).
- Information about the courts in Newcastle is accessible [here](#).

**Filing a notice of intention to appoint an administrator and a notice of appointment of an administrator (TIPD, Part 3)**

Part 3 of the TIPD deals with the filing of a Notice of Intention to Appoint and Notice of Appointment of an Administrator. It is notable that a different practice will apply depending on whether the Notice or Appointment is made by a qualifying floating charge holder or by a company or its director. The following is relevant:

- Where a company, director, or a qualifying floating charge holder uses CE-file to give notice of an intention to appoint or notice of appointment of an administrator, the notice will be treated as delivered to the court on the date and at the time recorded in the filing submission email. This is subject to exceptions, i.e. it only applies to (i) a Notice of Intention to Appoint an Administrator filed by a company or its directors under para. 27 of Schedule B1, (ii) a Notice of Appointment of an Administrator filed by a qualifying floating charge holder under paragraph 18 of Schedule B1, (iii) a Notice Appointment of an Administrator filed by a company or its directors under Paragraph 29 of Schedule B1.
- If a filing submission email attaching a Notice of Appointment of an Administrator is sent outside the hours of 10:00 – 16:00 on any day the courts are open for business, the notice will be treated as having been delivered at 10:00 am the next day the courts are open for business.

- If a filing submission email attaching a Notice of Intention to Appoint an Administrator is sent outside the hours of 10:00 – 16:00 on any day that the courts are open for business, the notice shall be treated as delivered to the court at 10:00 hours on the day that the courts are next open for business.
- All notices filed by CE-file shall continue to be reviewed by the Court, as and when practicable. It is notable that the validity and time at which the appointment of an Administrator is effective shall not be affected by reason only of any delay in acceptance of the notice.
- The procedure in Rule 3.20-3.22 in respect of qualifying floating charge holders still applies; Electronic Working may not be used to file a notice of appointment of an administrator under paragraph 14 of Schedule B1.

**Adjourning pending applications and petitions (TIPD, Part 4)**

Part 4 of the TIPD deals with the adjournment of pending applications and petitions. This was introduced to ensure that the court’s resources and time are preserved for genuinely urgent applications. All applications, petitions, and claim forms currently listed for hearing prior to 21 April 2020 are adjourned (save for petitions for winding-up and bankruptcy to be heard before an ICC Judge sitting in the Rolls Building in London) and will be re-listed according to one or other of the following:

- (i) Where a party considers that a matter adjourned under these provisions is urgent, they may apply to have it re-listed pursuant to the listing procedure for urgent hearings.
- (ii) Petitions for bankruptcy or winding up (other than those to be heard before an ICC Judge sitting in the Rolls Building in London), the Temporary Listing Procedure for Winding-up and Bankruptcy Petitions shall apply, immediately in the case of petitions to be heard before an ICC Judge sitting in the Rolls Building in London, and as from the date that it is brought into effect for each other relevant hearing centre of the Business and Property Courts by a further guidance note to be issued by the supervising Judge of that particular centre.
- (iii) All other matters will be re-listed in accordance with procedure which will be notified as soon as possible for each relevant hearing centre.

Any further guidance will be issued on the Insolvency List webpage for the relevant hearing centre(s), so practitioners and interested businesses should keep an eye out here.





IMAGE SOURCE [HERE](#)

The applicant/claimant/petitioner must send only documents which are essential for the hearing by PDF, or by sending a link to an online data room. For more details see TIPD r.5.

*Remote hearings*

- Hearings will be held remotely unless ordered otherwise.
- Hearings will be conducted remotely by Skype for Business or such other technology as the parties and the court agree in advance of the hearing.
- If the judge determines that it is inappropriate to continue the hearing, a notice of adjournment will be issued by the court and a new hearing date will be fixed.

The following technologies might be appropriate for remote hearings:

- (i) **Skype for Business** – for Microsoft users access the application [here](#). For Apple users, access the application [here](#).
- (ii) **Zoom** – the application is accessible [here](#).
- (iii) **Microsoft Teams** – the application is accessible [here](#).
- (iv) **BTMeet Me** – guidance on how to use BTMeet Me is accessible [here](#).

*Temporary listing procedure for winding-up and bankruptcy petitions*

Under the TIPD the court will list for hearing all winding-up and bankruptcy petitions in the following manner:

- The Court will allocate time slots for groups of 2 or more petitions. Each time slot will be given using an appropriate video conferencing technology.
- The links for the hearing will be published on the daily cause list, accessible [here](#).

Any person who intends to appear at the hearing of the petition must deliver [a notice of intention to appear](#) in accordance with [Rule 7.14](#), providing an email address or telephone number so they can be invited to join the remote hearing.

For the full provisions of the TIPD, see [here](#).

**Some practical tips and recommendations**

- Businesses or insolvency practitioners using virtual data rooms or other technologies for the purposes of hearings need to make sure that they are GDPR-compliant.
- Companies wishing to file for an extension of the filing deadline for accounts need to make sure they do so **before** the date for filing, as failure will result in an automatic penalty.
- HMRC has issued useful guidance on how it is dealing with situations where a business or individual is already in an insolvency process and what type of enforcement action can be taken during the crisis. The guidance is accessible [here](#).



- For more information and technical support relating to CE-file, see [here](#).
- The Insolvency Service has reviewed its [IVA registration process](#); IVA registration fees can now be accepted by BACS.
- The Insolvency Service has confirmed that [electronic signatures on requisitions](#) will now be accepted, as well as [requisitions of payments via email](#), in order to support flexible working arrangements

*Whilst every effort has been made to ensure the accuracy of this article as of the date of writing (16 April 2020) it should not be relied upon as legal advice in respect of any particular case and no liability is accepted in respect of the same.*



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## Coronavirus Lockdown [CONTINUED FROM PAGE 6]

### Hints & Tips for Life during Lockdown

#### Talking about Coronavirus with Children

As a parent or carer, you might be wondering how to talk about coronavirus with your children and explain what is happening, whether it is the need to stay at home or school closures.

- The Mental Health Foundation offers general advice on [how to talk about scary world news](#)
- Here is an article specifically on [talking to children about coronavirus](#)
- It is also an opportunity to [foster empathy and respect for others](#)
- The WHO offers advice on [helping children cope with stress during the pandemic](#)

Here is an [article aimed at teenagers](#) that you can share directly with them, particularly if they are anxious about coronavirus.

#### Remote working

- Fast Company's article on [5 strategies to manage newly remote working teams](#)
- Thrive Global's article on [7 effective ways to build relationships while working remotely](#)
- Fight procrastination with the [pomodoro technique](#)
- Advice on [ergonomics and posture](#)

#### Education

- Learn to [touch type](#)
- Online learning with [Udemy](#)
- Free [e-learning course](#) on working from home during coronavirus by the London School of Hygiene & Tropical Medicine
- [BBC Bitesize](#) has launched hundreds of bits of interactive content which follow the national curriculum for primary and secondary students
- The UK government has backed the [Oak National Academy](#), a new national online school, which provides video lessons, worksheets and quizzes related to many subjects

#### Wellbeing

- Mindfulness meditation app [Headspace](#)
- NHS [10 minute home workout videos](#)
- A list of [9 totally free home workout resources](#)

#### Entertainment

- Vulture: The best [comedy podcasts](#) to binge during COVID-19
- Ladders: 20 [podcasts that will make you smarter](#) while you self-quarantine at home
- New York Times: What to [watch, read and listen to](#) during COVID-19

#### Food

Check out the [Happy Foodie's series for COVID-19](#). Recipes and inspiration for key store cupboard ingredients:

- [What to cook with pasta](#)
- [How to cook from your store cupboard](#)
- [What to cook with beans](#)
- [What to cook with rice](#)
- [What to cook with lentils](#)
- [What to cook with noodles](#)
- [What to cook with grains](#)
- [What to cook with chickpeas](#)
- [Where to shop online if you're struggling to pick up store cupboard ingredients](#)
- [A simple recipe for making your own pasta if you are unable to track any down](#)
- [How to work with fresh pasta dough](#)
- [How to use a pasta machine](#)



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## COMPETITION

# UK Competition Law Enforcement during Covid-19

## - Collaborating with competitors in a global pandemic

By Georgina Dietrich  
Pupil Barrister

1. **15 April 2020** UK competition law enforcement is expected to undergo drastic changes due to the implications of Brexit. The transition period started running when the UK exited the EU on 31 January 2020 and is currently scheduled to end on 31 December 2020. EU treaties, free movement rights and EU law principles, including competition rules, continue to apply in the UK until the end of the transition period.
2. In January 2020 the Competition and Markets Authority (the “**CMA**”) and businesses operating in the UK were preparing for anticipated changes around domestic enforcement once the European Commission (the “**Commission**”) is no longer in the picture. The CMA is expecting an increased number of larger, more complex merger cases and antitrust investigations as well as the enforcement of state aid rules at a national level. A number of commentators anticipate that the CMA will continue to align its approach with the Commission’s response in order to facilitate business beyond UK borders. Others expect a divergence of approaches over time.
3. Little did anyone know in January that the coronavirus pandemic was about to rear its head, a crisis unprecedented in scale and, unlike the Brexit transition period, without a definitive end date. The conversation on UK competition law enforcement has since shifted from analysing post-Brexit implications to much more existential topics: crisis cartels, rescue mergers and unparalleled levels of state aid.
4. This short article examines the regulators’ approach (i.e. Commission and CMA) to the practical challenges businesses may face in the area of competition law enforcement during Covid-19, in particular when collaborating with competitors.

### Crisis cartels

5. Collaborating with competitors in a crisis may amount to a cartel. There are two types of crisis cartels. One type is a cartel organised by the government for various industries or products to fix prices, and ration production and distribution during times of severe shortages. But what about the other type of crisis cartel, where during an economic downturn private sector firms collaborate with competitors on price, quantities, market shares, production, sensitive data etc. without approval from the state?

### *The European approach*

6. The European Commission cooperates with national competition authorities of EU Member States through the European Competition Network (ECN). The ECN’s aims are to build an effective legal framework and the enforcement of European competition rules against companies that engage in cross-border business practices that restrict competition to the detriment of the consumer.
7. On 23 March 2020, the ECN issued a [joint statement](#) assuring businesses that cooperation between competitors during the coronavirus crisis is permissible in certain circumstances. For example, cooperation to ensure supply and fair distribution of scarce or essential products, such as face masks, would not amount to a restriction of competition under Article 101 TFEU/53 EEA or “*generate efficiencies that would most likely outweigh any such restriction*”. Nonetheless, the ECN will take action against businesses taking advantage of the current crisis by cartelising or abusing their dominant market position.
8. The CMA has issued its own response to the coronavirus pandemic which is largely in line with the ECN’s approach. However, it is important to point out that if, going forward, any further relaxation of the rules is implemented by the CMA alone, this would not prevent the European Commission from applying EU competition law in the UK as it sees fit whilst the coronavirus crisis falls within the Brexit transition period. The CMA is also not in a position to protect businesses against private litigation brought by third parties for any perceived breaches of UK competition law.

9. Therefore, businesses may continue to be at risk of litigation during Covid-19 and in need of legal advice in this area, something the CMA is trying to offer, but can only do so on a case-by-case basis and within the remit of its limited resources.

### *The CMA's approach*

10. On 20 March 2020, in an [open letter](#) to the pharmaceuticals and food and drink industries, the CMA condemned the behaviour of companies that are charging unjustifiably high prices for essential goods. The regulator encourages businesses that are justifiably raising their prices, because they are passing on increases in prices charged by their wholesalers or suppliers, to contact them on [covid.monitoring@cma.go.uk](mailto:covid.monitoring@cma.go.uk), so the CMA can investigate these issues further up the supply chain.
11. On 25 March 2020 the CMA published guidance on its approach to business cooperation during the coronavirus crisis (please see [here](#)). The regulator recognises that businesses are working together to address concerns arising from this crisis and clarifies what is permitted and when it will take enforcement action.
12. *Examples of permissible coordination during the coronavirus crisis:*
- Coordination between businesses will be permitted, as long as this is *appropriate, necessary* and *in the public interest* to avoid a shortage, or to ensure security of supply and fair distribution of scarce products;
  - Even if coordination results in a slimmer product range available to consumers, this would be permissible provided this is a necessary step for ensuring that the type of product is available in the first place;
  - Offering services such as food delivery to vulnerable consumers and ensuring travel safety for key workers are good reasons for coordination measures between businesses;
  - Measures must not last longer than is necessary to deal with critical issues arising from the pandemic and all such efforts must contribute to the benefit and wellbeing of consumers.

### *13. Examples of prohibited collusion:*

- Non-essential collusion could include the exchange of commercially sensitive information between competitors, such as future pricing or business strategies that do not relate to meeting the needs of the current crisis;
  - Retailers excluding smaller players from coordination efforts with a view to securing supply and prohibiting access to rivals is not permitted;
  - Collusion to keep prices artificially high in order to brace a fall in demand remains an unscrupulous business practice. Thus, manufacturers are encouraged to exercise their right to set maximum prices for products at risk of excessive pricing.
14. These are only some examples of permissible and prohibited coordination. Businesses are expected to continue self-assessing their coordination efforts with competitors under Section 9 of the Competition Act 1998.

### *Self-assessment under section 9 of the Competition Act 1998 during Covid-19*

15. When deciding whether an arrangement or agreement restricting competition is in fact permissible, the exemption criteria set out in section 9 of the Competition Act 1998 continue to apply and must be met. Since the CMA does not have the power to make a formal clearance decision under section 9, businesses are required to assess their own situation in the context of the Covid-19 pandemic and decide whether the conditions for exemption are met.
16. To satisfy section 9, the arrangement or agreement in question must satisfy 4 conditions:

- Contribute to *improving production or distribution or promoting technical or economic progress*;



- ii. Allow consumers *a fair share of the resulting benefit*;
- iii. Not impose restrictions that are *not indispensable*;
- iv. Not *afford the undertakings concerned the possibility of eliminating competition in respect of a substantial part of the products* [or services] *in question*;

17. Applying section 9 conditions:

- The first condition is likely to be satisfied where the agreement is efficiency enhancing in nature, for example by ensuring essential goods or services are made available to the public or sections of the public, such as key workers or vulnerable consumers;
- The second condition is likely to be met where the cooperation between businesses avoids or mitigates significant supply shortages of a product, giving the consumer a fair share of the benefit;
- The third condition requires businesses to consider whether alternatives to cooperation could equally achieve efficiency in current circumstances and within the limited time available or whether cooperation is in fact indispensable;
- The CMA advises that for the fourth condition to be met, competition should remain in place where possible. For example, if sharing *capacity information* is necessary, this does not automatically mean that competition on *price* is no longer possible. If particular products or geographical areas require coordination to address a shortfall, restrictions on competition should be limited to those concerns.

Further practical challenges in competition law enforcement during Covid-19

Antitrust investigations

18. On [18 March 2020](#) the CMA stated that whilst it endeavours to meet statutory deadlines in respect of ongoing investigations, it would consider extending these timeframes where required. Hence, procedural delays seem likely.
19. With IT challenges faced by staff working from home, the authorities may struggle to get information from businesses required for their decision-making process. In particular, information from third parties may be difficult to obtain, since competitors, customers and suppliers are often also having a hard time coping with the impact of coronavirus on their respective businesses.
20. Furthermore, struggling businesses may call for reductions of financial penalties imposed for their infringements of competition law. However, to date, financial hardship adjustments remain exceptional and case law makes it clear that “*there can be no expectation that a penalty will be adjusted on this account*”<sup>2</sup>. Similarly, the Commission may only in exceptional cases take account of “*the undertaking’s inability to pay in a specific social and economic contexts*”<sup>3</sup>. Whether the context of the coronavirus crisis would meet this test remains to be seen.

Rescue mergers

21. As the crisis progresses the number of companies on the brink of economic collapse will increase, which in turn is likely to spark interest amongst competitors to buy them out. Such rescue mergers are time sensitive, as businesses aim to ensure uninterrupted continuity of agreements with customers and employees. If the delay in obtaining clearance is too long the company may collapse before the deal is concluded. Whilst the crisis may increase the need for mergers, the impact of the pandemic on working practices may slow down the regulator’s ability to deal with the merger clearance process in a timely manner.
22. Currently there are stringent requirements in place to ensure that acquiring a competing and ‘*failing firm*’ does not have significant anticompetitive effects on the market as a whole. The regulator’s assessment involves the comparison of two hypothetical scenarios; on the one hand the merger going ahead, on the other, it not taking place. Provided the harm to competition post-merger is not caused by the merger, the deal can conclude (i.e. any harm caused by it going ahead must not be greater than the harm caused by it not going ahead).

<sup>2</sup> *Sepia Logistics Limited (formerly known as Double Quick Supplyline Limited) v Precision Concepts Ltd* [2007] CAT 13, at [94];

<sup>3</sup> Guidelines on the method of setting fines imposed pursuant to Article 23(2)(a) of Regulation No 1/2003 (2006/C 210/02), 2.F.35.

23. Such an assessment is rooted in economic reality and is not always clear cut. Companies face a high burden of proof, requiring, for example, proof of the target company’s financial position and evidence showing that the acquiring party is the only possible purchaser. Whether the Commission and national competition authorities will loosen the evidential requirements to facilitate rescue deals amidst Covid-19 is yet to be seen.

State-aid

24. A further area of competition law that has been stretched during Covid-19 is state aid. The UK government, like most of its counterparts in EU Member States, has granted financial aid to help sectors and industries shoulder the economic impact of the crisis. Many such measures would under normal circumstances qualify as state aid. These are interventions using state resources, such as grants, loans, tax breaks etc., which may give recipients an advantage on a selective basis, for example, a particular industry sector or region. This may distort competition and affect trade between Member States.
25. On 19 March 2020 the Commission adopted a [Temporary Framework](#) (amended 03 April 2020) to help Member States navigate state aid rules whilst they offer liquidity to businesses to ensure the continuity of their economic activity during the coronavirus outbreak.
26. On 25 March 2020 the Chancellor of the Exchequer Rishi Sunak announced measures to support small and medium-sized enterprises (SMEs), amongst others, through grants and loan guarantees. On 06 April 2020 this £50bn UK state aid umbrella scheme was approved by the Commission, as it found the aid measures to be “*necessary, appropriate and proportionate to remedy a serious disturbance in the economy*” of the UK, as required by Article 107(3)(b) TFEU and the conditions of the Temporary Framework.

Conclusion

27. Whilst regulators have relaxed their approach towards businesses that are collaborating with their competitors to help manage shortages in connection with the coronavirus outbreak, this is not an invitation for companies to cartelise or abuse their dominant market position. The CMA has provided examples of what type of collaboration it considers permissible or prohibited. However, since the CMA does not have the power to make a formal clearance decision under section 9 of the Competition Act 1998, businesses are required to assess their own situation.
28. Despite the UK having exited the EU in January, EU competition law continues to apply in the UK during the transition period part of this crisis. The CMA is also not in a position to protect businesses against private litigation brought by third parties for any perceived breaches of UK competition law. Therefore, businesses may continue to be at risk of litigation during Covid-19 and in need of legal advice in this area.
29. Looking ahead, struggling businesses that incur financial penalties for infringements of competition law are likely to call for reduced fines. It remains to be seen whether these would be granted. Similarly, it is unclear whether the Commission and national competition authorities will loosen the evidential requirements to facilitate rescue mergers arising out of the ensuing economic crisis. Lastly, already high levels of state aid may increase further to ensure liquidity and continuity of economic activity whilst lockdown measures remain in place.

*Whilst every effort has been taken to ensure the accuracy of the contents of this article, the position in relation to Covid-19 is rapidly changing. This document should not be used as a substitute for obtaining legal advice. If you have a particular query, please contact the 3PB clerking team, who will be happy to direct your enquiry to the relevant person.*

15 April 2020



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Quote of the Week ...

As a reminder, some people over function, busy themselves, & complete tasks when facing trauma, grief, anxiety, powerlessness. Some people under function, slow down, internalize, & need rest. Both are valid & respectable ways to cope. Neither is right nor wrong.

- AUTHOR UNKNOWN



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IMAGE SOURCE AND STEP-BY-STEP SOLUTION [HERE](#)

COVID-19

3PB Barristers remains very much open for business. Our barristers and staff are working remotely, utilising video and telephone platforms for client conferences, meetings and hearings. I can be contacted by email, as well as chambers normal office number and my mobile as above.

**Avoid using the post/DX:** To assist our continuing service delivery to you, we ask instructions and papers are sent to us by email. If this is not possible, please telephone chambers prior to sending physical papers.

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We are here to help. Please find further information on our Business Continuity Plan for dealing with COVID-19 [here](#)