



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1107/4/10/08

BETWEEN:

MERGER ACTION GROUP

Applicant

-v-

**THE SECRETARY OF STATE FOR
BUSINESS, ENTERPRISE AND REGULATORY REFORM**

Respondent

- supported by -

(1) HBOS PLC
(2) LLOYDS TSB GROUP PLC

Proposed Interveners

ORDER

UPON reading the decision of the Secretary of State for Business, Enterprise & Regulatory Reform contained in a document entitled “Decision by Lord Mandelson, the Secretary of State for Business, not to refer to the Competition Commission the merger between Lloyds TSB Group plc and HBOS plc under Section 45 of the Enterprise Act 2002 dated 31 October 2008”

AND UPON reading the Notice of Application lodged by the Applicant on 28 November 2008

AND UPON considering the requests for permission to intervene filed on behalf of Lloyds TSB Group plc (“Lloyds TSB”), HBOS plc (“HBOS”) and Sir George Mathewson CBE dated 30 November, 1 December and 2 December 2008, respectively

AND UPON hearing the legal representatives of the Merger Action Group, the Secretary of State for Business, Enterprise and Regulatory Reform, HBOS and Lloyds TSB at a case management conference on 3 December 2008

AND UPON Sir George Mathewson CBE not appearing in person or by legal representative at the case management conference

AND UPON the Secretary of State through counsel undertaking to file and serve any witness evidence on which it is intended to rely on those members of the confidentiality ring established by the Tribunal's order of 3 December 2008 by 6pm on 4 December 2008

IT IS ORDERED THAT:

1. Under rule 18 of the Competition Appeal Tribunal Rules 2003 (S.I. No. 1372 of 2003), the proceedings be treated as proceedings in Scotland.
2. Lloyds TSB and HBOS be granted permission to intervene in these proceedings, on condition that the Interveners liaise with one another and with the Respondent so as to ensure that there is no unnecessary duplication as between their written or oral submissions.
3. The skeleton arguments of the Respondent and the Interveners are to stand respectively in lieu of the defence and statements of intervention.
4. In relation to the proceedings before the Tribunal:
 - a. All parties file and serve their skeleton arguments by 5pm on 5 December 2008;
 - b. A hearing be listed for 8 December 2008 commencing at 12pm at Victoria House, with a time estimate of one day.
5. There be liberty to apply.

The Honourable Mr Justice Barling
President of the Competition Appeal Tribunal

Made: 3 December 2008
Drawn: 3 December 2008