



IN THE COMPETITION
APPEAL TRIBUNAL

Cases No: 1114-1115/1/1/09
1117-1139/1/1/09

BETWEEN:

(1) KIER GROUP PLC
(2) KIER REGIONAL LIMITED

-v-

OFFICE OF FAIR TRADING

CREST NICHOLSON PLC

-v-

OFFICE OF FAIR TRADING

(1) GF TOMLINSON GROUP LIMITED
(2) GF TOMLINSON BUILDING LIMITED

-v-

OFFICE OF FAIR TRADING

(1) GMI CONSTRUCTION HOLDINGS PLC
(2) GMI CONSTRUCTION GROUP PLC

-v-

OFFICE OF FAIR TRADING

BALLAST NEDAM NV

-v-

OFFICE OF FAIR TRADING

(1) QUARMBY CONSTRUCTION COMPANY LIMITED
(2) ST JAMES SECURITIES HOLDINGS LIMITED

-v-

OFFICE OF FAIR TRADING

(1) DURKAN HOLDINGS LIMITED
(2) DURKAN LIMITED
(3) CONCENTRA LIMITED

-v-

OFFICE OF FAIR TRADING

AH WILLIS AND SONS LIMITED

-v-

OFFICE OF FAIR TRADING

(1) SOL CONSTRUCTION LIMITED

(2) BARKBURY CONSTRUCTION LIMITED

-v-

OFFICE OF FAIR TRADING

NORTH MIDLAND CONSTRUCTION PLC

-v-

OFFICE OF FAIR TRADING

(1) BARRETT ESTATE SERVICES LIMITED

(2) FRANCIS CONSTRUCTION LIMITED

-v-

OFFICE OF FAIR TRADING

ISG PEARCE LIMITED

-v-

OFFICE OF FAIR TRADING

(1) BOWMER AND KIRKLAND LIMITED

(2) B&K PROPERTY SERVICES LIMITED

-v-

OFFICE OF FAIR TRADING

(1) GAJ CONSTRUCTION LIMITED

(2) GAJ (HOLDINGS) LIMITED

-v-

OFFICE OF FAIR TRADING

CORRINGWAY CONCLUSIONS PLC

-v-

OFFICE OF FAIR TRADING

(1) RENEW HOLDINGS PLC

(2) ALLENBUILD LIMITED

-v-

OFFICE OF FAIR TRADING

(1) ROBERT WOODHEAD (HOLDINGS) LIMITED

(2) ROBERT WOODHEAD LIMITED

-v-

OFFICE OF FAIR TRADING

(1) THOMAS VALE HOLDINGS LIMITED

(2) THOMAS VALE CONSTRUCTION PLC

-v-

OFFICE OF FAIR TRADING

(1) SICON LIMITED

(2) JOHN SISK & SON LIMITED

-v-

OFFICE OF FAIR TRADING

**(1) G&J SEDDON LIMITED
(2) SEDDON GROUP LIMITED**

-v-

OFFICE OF FAIR TRADING

**(1) INTERCLASS HOLDINGS LIMITED
(2) INTERCLASS PLC**

-v-

OFFICE OF FAIR TRADING

**(1) JH HALLAM (R&J) LIMITED
(2) JH HALLAM (CONTRACTS) LIMITED**

-v-

OFFICE OF FAIR TRADING

HOBSON AND PORTER LIMITED

-v-

OFFICE OF FAIR TRADING

APOLLO PROPERTY GROUP SERVICES LIMITED

-v-

OFFICE OF FAIR TRADING

GALLIFORD TRY PLC

-v-

OFFICE OF FAIR TRADING

ORDER

UPON reading the notices of appeal lodged by the appellants (“the Appellants”) in each of the proceedings listed above against the decision of the Office of Fair Trading (“OFT”) dated 21 September 2009 entitled “Bid rigging in the construction industry in England” (“the Decision”)

AND UPON reading the requests for permission to intervene pursuant to rule 16 of The Competition Appeal Tribunal Rules 2003 (S.I. No. 1372 of 2003) (“the Tribunal Rules”) made by some of the Appellants

AND UPON reading the letter of the OFT dated 21 December 2009 and the other submissions of the parties filed in advance of the case management conference

AND UPON hearing counsel for the parties at the case management conference on 25 January 2010

IT IS ORDERED THAT:

1. Pursuant to rule 18 of the Tribunal Rules each of the appeals be treated as proceedings in England and Wales
2. The requests for permission to intervene be adjourned generally
3. In relation to each of the appeals:
 - a. The OFT file and serve its defence by 5pm on 31 March 2010
 - b. The Appellants file and serve skeleton arguments, incorporating any submissions in reply to the defence, by 5pm on 30 April 2010
 - c. The OFT file and serve its skeleton argument by 5pm on 11 June 2010
 - d. The parties send to the Registry non-confidential electronic versions in Word document format (or equivalent) of their pleadings, skeleton arguments and witness statements by 5pm on 11 June 2010
 - e. With specific reference to the penalty aspects of the appeals, the parties prepare an agreed joint bundle of authorities with key sections flagged for reference by 11 June 2010
 - f. The parties be at liberty to file and serve further brief written submissions following sight of the transcripts of the hearings by 5pm on 10 September 2010
4. The oral hearings in the appeals are to be listed in the weeks commencing 28 June, 5 July and 12 July 2010, before the Tribunal sitting in 3 panels on the days identified in the draft Hearing Timetable provided to the parties at the case management conference on 25 January 2010, with a time estimate of a half day for each of the penalty-only appeals. An indicative period of two days has been allowed for each of the appeals raising liability issues, although this may be adjusted in the case of any specific appeal.
5. As soon as possible, and in any event no later than 5pm on 5 February 2010, the parties are to agree between themselves so far as they are able a proposed slot for the oral hearing of each of the appeals within the framework of the said draft Hearing Timetable, and to submit the agreed proposal to the Tribunal. Thereafter the Tribunal will allocate a specific hearing date and time to each appeal.
6. There be liberty to apply

The Honourable Mr Justice Barling
President of the Competition Appeal Tribunal

Made: 25 January 2010
Drawn: 25 January 2010