



**IN THE COMPETITION**  
**APPEAL TRIBUNAL**

Case No: 1194/5/7/12

**B E T W E E N:**

- (1) W.H. NEWSON HOLDING LIMITED**
- (2) W.H. NEWSON & SONS LIMITED**
- (3) BMSS LIMITED**
- (4) BROOMBYS LIMITED**
- (5) CONNECTIONS (AML) LIMITED**
- (6) JAYHARD LIMITED**
- (7) KEYLINE BUILDERS MERCHANTS LIMITED**
- (8) TRAVIS PERKINS (PROPERTIES) LIMITED**
- (9) TRAVIS PERKINS TRADING COMPANY LIMITED**
- (10) WICKES LIMITED**
- (11) WICKES BUILDING SUPPLIES LIMITED**
- (12) CITY PLUMBING SUPPLIES LIMITED**
- (13) CITY PLUMBING SUPPLIES HOLDINGS LIMITED**
- (14) B&G (HEATING & PLUMBING) LIMITED**
- (15) THE BSS GROUP LIMITED**
- (16) PTS GROUP LIMITED**
- (17) P.T.S. PLUMBING TRADE SUPPLIES LIMITED**
- (18) FRY & POLLARD LIMITED**
- (19) TRICOM GROUP LIMITED**
- (20) TRICOM SUPPLIES LIMITED**
- (21) ZENITH PLUMBPOINT LIMITED**

Claimants

-v-

- (1) IMI PLC**
- (2) IMI KYNOCH LIMITED**
- (3) BOLIDEN AB**

Defendants

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**ORDER**

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**UPON** the Claimants having commenced a claim for damages before the Tribunal on 17 May 2012 (the “Claim”) under section 47A of the Competition Act 1998 (the “1998 Act”)

**AND UPON** the Claimants having made an application on behalf of themselves and the Defendants on 20 July 2012, pursuant to rule 48(a) of the Competition Appeal Tribunal Rules (S.I. 2003 No. 1372) (the “Tribunal’s Rules”) for a direction that the claim be transferred to the Chancery Division of the High Court of England and Wales

**AND HAVING REGARD TO** section 16(5) (Transfers of certain proceedings to and from the Tribunal) of the Enterprise Act 2002 (the “2002 Act”)

**AND HAVING REGARD TO** paragraphs 8.7 to 8.9 of the Practice Direction to CPR Part 30, which govern transfers from the Tribunal to the High Court under section 16(5) of the 2002 Act

**AND HAVING REGARD TO** the Orders of the Chairman of the Tribunal made on (i) 18 July 2012 extending until further order of the Tribunal, the period for the filing of the First and Second Defendants’ defence, and (ii) 19 July 2012 extending until further order of the Tribunal, the period for the filing of the Third Defendant’s defence (together, the “Extension Orders”)

**IT IS ORDERED THAT:**

1. Pursuant to rule 48(a) of the Tribunal’s Rules, the Claim be transferred to the Chancery Division of the High Court with immediate effect.
2. The Extension Orders be varied so as to extend the periods for the filing of the Defendants’ defences until further order of the High Court.
3. Costs incurred by the parties while the Claim was before the Tribunal be costs in the case.

**Vivien Rose**  
Chairman of the Competition Appeal Tribunal

Made: 24 July 2012  
Drawn: 24 July 2012