



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1479/5/7/22 (T)

BETWEEN:

- (1) WHITBREAD GROUP PLC
- (2) WHITBREAD PLC
- (3) COSTA LIMITED
- (4) PREMIER INN HOTELS LIMITED

Claimants

- v -

- (1) VISA EUROPE LIMITED
- (2) VISA EUROPE SERVICES LLC
- (3) VISA UK LIMITED

Defendants

ORDER

UPON the claim form in these proceedings being issued in the High Court on 23 November 2016 (HC-2016-002984) (the “**Claim Form**”)

UPON the Order of the Chancellor of the High Court dated 7 April 2022 (as amended) transferring the various cases listed in the schedule to that order (which included these proceedings) to the Competition Appeal Tribunal (the “**Transfer Order**”)

UPON reading the letter from Mishcon de Reya LLP dated 28 October 2022 on behalf of the Claimant in these proceedings

AND UPON the Claimants filing an Amended Claim Form in relation to these proceedings on 28 October 2022

AND HAVING REGARD TO the Civil Procedure Rules (“CPR”) in relation to amendments prior to service of the Claim Form, specifically CPR 17.1(1) and CPR 19.4(1)

IT IS ORDERED THAT:

1. The Claimants are granted permission to amend the Claim Form in the forms provided to the Tribunal on 28 October 2022. Permission to amend is being granted without substantive consideration by the Tribunal to reflect the Claimants' right to amend the Claim Forms prior to service without permission pursuant to the CPR. The Tribunal considers the Claimants' rights in this regard should not be prejudiced by the transfer of the proceedings to the Tribunal pursuant to the Transfer Order.
2. The Claimants may serve unsealed versions of the Claim Form on the Defendants, as amended pursuant to the terms of this Order, and such service of unsealed Claim Forms will constitute valid service.
3. Paragraphs 1 and 2 are made without prejudice to the Defendants' right to apply to disallow the amendments pursuant to the Tribunal exercising under its own rules an approach equivalent to CPR 17.2.
4. There shall be no order as to costs.

Sir Marcus Smith
President of the Competition Appeal Tribunal

Made: 31 October 2022
Drawn: 31 October 2022