



IN THE COMPETITION
APPEAL TRIBUNAL

Case No. 1027/2/3/04

BETWEEN:

VIP COMMUNICATIONS LIMITED
(in administration)

Appellant

-v.-

OFFICE OF COMMUNICATIONS

Respondent

supported by

T-MOBILE (UK) LIMITED

Intervener

ORDER

UPON hearing the parties in respect of the preliminary issue raised by T-Mobile as to the Tribunal's jurisdiction under paragraph 3(2)(e) of Schedule 8 of the Competition Act 1998

AND UPON considering the written submissions and observations of the parties as to the appropriate form of order following handing down of the Tribunal's judgment of 22 January 2007 ([2007] CAT 3)

IT IS ORDERED THAT:

1. The Tribunal declares that it has jurisdiction under paragraph 3(2)(e) of Schedule 8 of the Competition Act 1998 to take its own decision and to substitute an infringement decision for a non-infringement decision made by OFCOM.
2. Costs of the hearing of 13 December 2006 be reserved.
3. There be general permission to apply.

Marion Simmons QC
Chairman of Competition Appeal Tribunal

Made: 2 April 2007
Drawn: 2 April 2007