



IN THE COURT OF APPEAL, CIVIL DIVISION

16828

REF: C3/2010/0446

(500:GS:JH:02:11:09)

29 APR 2010

[SEAL]

BCL Old Co Limited & Ors –v– BASF SE (Formerly BASF AG) & Ors

ORDER made by the Rt. Hon. Lord Justice Etherton

On consideration of the appellant's notice and accompanying documents, but without an oral hearing, in respect of an application for permission to appeal.

Decision: granted, refused, adjourned. An order granting permission may limit the issues to be heard or be made subject to conditions.

Granted

Reasons

Reasons: the arguments set out in the skeleton argument of the appellants have a real prospect of success; and in any event a compelling reason for permission to be granted is that the Court of Appeal should consider whether the Tribunal's decision infringes the EU/ECHR rights of the Appellants and what should be the approach to applications for extension of time in that context in this and similar cases.

By the Court

Information for or directions to the parties**Where permission has been granted, or the application adjourned**

- a) time estimate (excluding judgment)
- b) any expedition

Signed: *Lord Etherton*

Date: 26.4.2010

Notes

- (1) Rule 52.3(6) provides that permission to appeal may be given only where –
 - a) the Court considers that the appeal would have a real prospect of success; or
 - b) there is some other compelling reason why the appeal should be heard.
- (2) Rule 52.3(4) and (5) provide that where the appeal court, without a hearing, refuses permission to appeal that decision may be reconsidered at a hearing, provided that the request for such a hearing is filed in writing within 7 days after service of the notice that permission has been refused. Note the requirement imposed on advocates by paragraph 4.14A of the Practice Direction.
- (3) Where permission to appeal has been granted, the appeal bundle must be served on the respondents within 7 days of receiving this order (see para. 6.2 of the Practice Direction to CPR Part 52). A letter of notification will be sent to the appellant or his solicitors, as soon as practicable (see para. 6.3).

Case Number: C3/2010/0446



**DATED 26TH APRIL 2010
IN THE COURT OF APPEAL**

BCL OLD CO LIMITED & ORS

- and -

BASF SE (Formerly BASF AG) & ORS

ORDER

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