



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

Case No: 1145/4/8/09

**BETWEEN**

**STAGECOACH GROUP PLC**

Applicant

- v -

**COMPETITION COMMISSION**

Respondent

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**ORDER**

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**UPON** reading the correspondence from the legal representatives of both parties to this Application relating to the establishment of a confidentiality ring

**AND UPON** each of the persons named in Part A of the Schedule to this Order prior to the making of this Order, having given a written undertaking to the Tribunal, in the terms of Part B of the Schedule to this Order

**IT IS ORDERED THAT:**

1. For the purposes of this Order:

(a) **"Confidential Information"** is defined as information

(i) information the disclosure of which would be contrary to the public interest; and/or

(ii) commercial information the disclosure of which could significantly harm the legitimate business interests of the undertaking to which it relates; and/or

(iii) information relating to the private affairs of an individual the disclosure of which could significantly harm his interests;

being the material contained in the Third Party Documents (and which has not, prior to the making of this Order, been disclosed to other parties in the non-confidential versions of pleadings or other documents thus far served).

(b) “**Relevant Persons**” are those persons:

(i) listed in part A of the Schedule to this Order who have given a written undertaking to the Tribunal in the terms of Part B of the Schedule to this Order; or

(ii) authorised by the Tribunal upon further application.

(c) “**Third Party Documents**” means material held by the Respondent which:

(i) it obtained or created in communication with third parties in the preparation of its report on the completed acquisition by Stagecoach Group plc of Preston Bus Limited dated 11 November 2009; and

(ii) constitute documents, or relevant extracts from documents, which the Respondent proposes to disclose in response to the Applicant’s request dated 3 February 2010;

and which contain Confidential Information.

2. The Respondent shall hereafter disclose to the Applicant copies of the Third Party Documents on condition that such Third Party Documents shall be disclosed only to the Relevant Persons listed in Part A of the Schedule to this Order. For the avoidance of doubt, those documents are to be regarded as prima facie confidential in their entirety and they shall therefore be disclosed only to the Relevant Persons listed in Part A of the Schedule to this Order.

3. If the Applicant wishes to add any additional person as a Relevant Person for the purposes of paragraph 1(b) above, they shall apply to the Tribunal indicating whether each of the other parties consents or does not consent to the addition of that person.
4. There be liberty to apply.

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

Made: 26 February 2010  
Drawn: 26 February 2010

## **SCHEDULE**

### **PART A**

This part contains the names, for each party, of Relevant Persons:

#### **Stagecoach Group plc**

##### *External counsel*

Rhodri Thompson QC  
Christopher Brown (both of Matrix Chambers)

##### *External solicitors*

Michael Dean  
Michelle Boles  
David McGowan (all of Maclay Murray & Spens LLP)

**PART B**

In respect of any Confidential Information disclosed to them pursuant to this Order, each Relevant Adviser mentioned in Part A of this Order undertakes that they will comply with the following requirements in the following terms:

I, [name], of [firm, company or establishment] undertake to the Tribunal as follows:

1. I will not disclose the Confidential Information (as defined in the Tribunal's Order) to any person outside those listed in Part A without the consent of the person originally disclosing the information or the permission of the Tribunal.
2. I will use the Confidential Information only for the purpose of these proceedings (and for no other proceedings or use).
3. The documents containing the Confidential Information will remain in my custody or the custody of the other Relevant Persons at all times and be held in a manner appropriate to the circumstances so as to prevent unauthorised access.
4. The production of further copies by me of the documents containing the Confidential Information shall be limited to those required for the use of the Relevant Persons for the purposes of these proceedings.
5. Any such copies and the documents in paper form containing the Confidential Information will be returned to the party originally disclosing the documents at the conclusion of the present proceedings or destroyed; any such copies and the documents containing the Confidential Information in electronic form will either be returned where possible or destroyed to the extent practicable.
6. Save that none of the requirements listed at paragraphs 1 to 4 above shall prevent Relevant Persons from disclosing to the party advised by them information which such party has already seen.

Signed:

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Name

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Date