



COMPETITION APPEAL TRIBUNAL

**NOTICE OF A CLAIM FOR DAMAGES UNDER SECTION 47A OF
THE COMPETITION ACT 1998**

CASE No: 1177/5/7/11

The Registrar of the Competition Appeal Tribunal (“the Tribunal”) gives notice of the receipt of a claim for damages (“the Claim”) on 14 January 2011, under section 47A of the Competition Act 1998 (“the Act”), by Nigel Vernon Short of Hazelwell House, Cliffig, Whitland, Carmarthenshire, SA34 0LU (“the Claimant”) against Cardiff City Transport Services Limited of Sloper Road, Leckwith, Cardiff, CF1 8AF (“the Defendant”).

At all material times the Claimant was a non-executive director and a shareholder of 2 Travel Group PLC (“2 Travel”), which operated bus services in South Wales. The Claimant resigned as director of 2 Travel on 12 November 2004. At all material times, the Defendant was a private limited company which was wholly owned by Cardiff City Council, which provides municipal public transport in the city of Cardiff.

The Claim arises from a decision taken by the Office of Fair Trading (“OFT”) on 18 November 2008 (CA98/01/2008 – Abuse of a dominant position by Cardiff Bus; Case CE/5281/04) (“the Decision”). In the Decision, the OFT found that, between 19 April 2004 and 18 February 2005, the Defendant infringed the prohibition imposed by section 18(1) of the 1998 Act (“the Chapter II prohibition”) by engaging in predatory conduct against 2 Travel which amounted to an abuse of its dominant position in the relevant markets.

According to the Claim, as a direct result of the unlawful predatory behaviour of the Defendant, 2 Travel went into liquidation on 20 May 2005 and the Claimant seeks reimbursement of the following losses, all of which were reasonably foreseeable consequences of the Defendant’s behaviour (and in each case particularised in more detail in the Claim):

- (a) sums paid by the Claimant in satisfaction of guarantees agreed with 2 Travel’s creditors;
- (b) sums paid by the Claimant to or on behalf of 2 Travel;
- (c) loss of the capital value of shares in 2 Travel held by the Claimant;
- (d) costs incurred in proceedings by the Claimant against the liquidator of 2 Travel.

The Claimant also seeks:

- (a) exemplary damages in the amount of £2.9 million;
- (b) damages and such other amount or relief as the Tribunal sees fit;
- (c) interest pursuant to rule 56(2) of the Competition Appeal Tribunal Rules 2003 (SI 2003 No. 1372) at such rate and for such a period as the Tribunal determines is appropriate;
- (d) costs.

Further details concerning the procedures of the Tribunal can be found on its website at www.catribunal.org.uk. Alternatively the Tribunal Registry can be contacted by post at the above address or

by telephone (020 7979 7979) or fax (020 7979 7978). Please quote the case number mentioned above in all communications.

Charles Dhanowa OBE
Registrar

Published 24 January 2011