



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

**Case No: 1201/5/7/12**

- (1) VION FOOD GROUP LIMITED
- (2) VION FOOD UK LIMITED
- (3) VION FOOD SCOTLAND LIMITED
- (4) VION FOOD WALES & WEST ENGLAND LIMITED
- (5) GRAMPIAN COUNTY CHICKENS (BUCKSBURN) LIMITED
- (6) SOVEREIGN FOOD GROUP LIMITED
- (7) MARSHALL FOOD GROUP LIMITED
- (8) GRAMPIAN COUNTRY CHICKENS (FRESH) LIMITED
- (9) MAYHEW COUNTRY CHICKENS LIMITED
- (10) THORNE POULTRY LIMITED
- (11) VION AGRICULTURE LIMITED (FORMERLY GRAMPIAN COUNTRY CHICKENS (REARING) LIMITED)
- (12) FAVOR PARKER LIMITED
- (13) GRAMPIAN COUNTRY FEEDS LIMITED
- (14) CYMRU COUNTRY FEEDS LIMITED
- (15) GRAMPIAN-COUNTRY CHICKENS LIMITED

**Claimants**

-v-

- (1) TESSENDERLO CHEMIE N.V.
- (2) BRITPHOS LIMITED

**Defendants**

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**ORDER**

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**UPON** reading the claim form filed by the Claimants in the above proceedings

**AND UPON** noting that the First Defendant named in the claim form appears to be domiciled outside the jurisdiction

**AND UPON** noting that Claimants are seeking confirmation as to whether certain firms of solicitors formerly instructed by the First Defendant in a related matter are instructed accept service on its behalf

**IT IS ORDERED THAT:**

1. If the Claimants do receive confirmation that a firm of solicitors within the jurisdiction is instructed to accept service on behalf of the First Defendant on or

before 4 October 2012, then the Claimants shall provide a copy of that confirmation to the Tribunal as soon as reasonably practicable following receipt so that the Tribunal can effect service.

2. If the Claimants do not receive the confirmation referred to in paragraph 1 of this Order on or before 4 October 2012, then pursuant to Rule 63(3) of the Competition Appeal Tribunal Rules 2003 (“the Tribunal Rules”), the Claimants shall serve the claim form on Tessengerlo Chemie N.V. (the “Overseas Defendant”) by any method permissible by Part 6 of the Civil Procedure Rules (the “CPR”) in respect of a defendant domiciled outside the jurisdiction.
3. Service of the claim form in accordance with the paragraph 2 of this Order shall also include service of the Tribunal’s form of acknowledgment of service and a copy of this Order on the Overseas Defendant.
4. Where service takes place outside the jurisdiction, the periods for acknowledging service and filing a defence which are set out in Rules 36 and 37 of the Tribunal Rules shall be varied so as to accord with the periods applicable under the CPR and the Claimants shall draw the attention of the Overseas Defendant to that fact.
5. In respect of the Overseas Defendant, the Claimants shall notify the Tribunal of:
  - (i) the method by which service has been effected;
  - (ii) the date of deemed service;
  - (iii) the dates by which the Overseas Defendant should acknowledge service and file a defence.
6. There shall be liberty to apply.

**Sir Gerald Barling**  
President of the Competition Appeal Tribunal

Made: 28 September 2012  
Drawn: 28 September 2012