



## IN THE COURT OF APPEAL, CIVIL DIVISION

REF: C3/2014/4203, ~~0439, 0440~~

C3/2015/0439, 0440

(CIV. CR. 15.05.13)  
Her Majesty's  
Court of Appeal  
[SEAL]  
18 AUG 2015

British Telecommunications plc –v– Office of Communications & Ors

### ORDER made by the Rt. Hon. Lord Justice Kitchin

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.

Permission: granted

#### Reasons

The grounds of appeal, as elaborated in BT's skeleton argument, have a real prospect of success and raise issues which merit consideration by this court.

#### Information for or directions to the parties

This case falls within the Court of Appeal Mediation Scheme automatic pilot categories\*. Yes  No

Recommended for mediation Yes  No

If not, please give reason:

#### Where permission has been granted, or the application adjourned

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

Signed:

Date: 7 August 2015

#### 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 16(1) of CPR PD 52C.
- (3) Where permission to appeal has been granted you must serve the proposed bundle index on every respondent within 7 days of the date of the listing window notification letter and seek to agree the bundle within 21 days of the date of the listing window notification letter (see paragraph 16(1) of CPR PD 52C).

*By the Court*



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**DATED 7TH AUGUST 2015  
IN THE COURT OF APPEAL**

**ORDER**

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