



**IN THE COMPETITION
APPEAL TRIBUNAL**

Case No: 1218/6/8/13

B E T W E E N:

BMI HEALTHCARE LIMITED

Applicant

-v-

COMPETITION COMMISSION

Respondent

- and -

**HCA INTERNATIONAL LIMITED
SPIRE HEALTHCARE GROUP**

Potential Interveners

ORDER

UPON reading the notice of application lodged on 17 September 2013 by BMI Healthcare Limited (“BMI”) under rule 8 of the Competition Appeal Tribunal Rules 2003 (S.I. No. 1372 of 2003) (the “Tribunal Rules”) for review of a decision by the Competition Commission (the “Commission”) in relation to the use of certain information obtained in a “disclosure room” relating to the Commission’s ongoing investigation into the private healthcare market (the “Investigation”)

AND UPON considering the requests for permission to intervene filed by HCA International Limited (“HCA”) and Spire Healthcare Group (“Spire”) on 20 September 2013

AND UPON hearing counsel for the parties, HCA and Spire at a hearing on 20 September 2013

IT IS ORDERED THAT:

1. The requests for permission to intervene filed by HCA and Spire be treated as notices of application for review, for the purposes of rules 8(1) and 25 of the Tribunal Rules
2. The period of three weeks for lodging a request for permission to intervene in the applications of HCA and Spire stipulated by rules 15(2)(f) and 25 of the Tribunal Rules be abridged so that any request for permission to intervene is received by the Registry no later than 2pm on 23 September 2013
3. BMI, HCA and Spire be granted permission to cross-intervene
4. BMI file and serve an amended notice of application by 9:30am on 23 September 2013
5. BMI, HCA and Spire file and serve non-confidential versions of their applications by 9:30am on 23 September 2013
6. The Commission file and serve a skeleton argument and any supporting evidence by 12pm on 25 September 2013
7. BMI, HCA and Spire file and serve skeleton arguments by 5pm on 26 September 2013
8. A hearing be listed for 30 September 2013 with a time estimate of one day, such hearing to be limited to points of principle regarding the operation by the Commission of the disclosure room in the Investigation
9. There be liberty to apply

Marcus Smith QC
Chairman of the Competition Appeal Tribunal

Made: 20 September 2013
Drawn: 20 September 2013