

FRIDAY 12TH DECEMBER 2008

9911



Her Majesty's
Court of Appeal
15 DEC 2008

COURT 75
Appeal No.

C1/2008/2257
C1/2008/2258

IN THE COURT OF APPEAL

ON APPEAL FROM THE COMPETITION APPEAL TRIBUNAL

11023308,11033308

BEFORE LORD JUSTICE TUCKEY
LORD JUSTICE JACOB
And SIR WILLIAM ALDOUS

B E T W E E N

T MOBILE (UK) LIMITED

FIRST APPELLANT

- and -

TELEFONICA 02 UK LIMITED

SECOND
APPELLANT

- and -

OFFICE OF COMMUNICATIONS

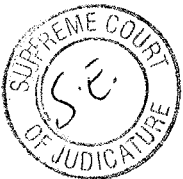
RESPONDENT

ON READING the Appellant's Notice sealed on the 17th September 2008 filed on behalf of the First Appellant on appeal from the order of The Competition Appeal Tribunal dated 10th July 2008

AND ON READING the Appellant's Notice sealed on the 17th September 2008 filed on behalf of the Second Appellant on appeal from the order of The Competition Appeal Tribunal dated 10th July 2008

AND ON READING the Respondent's Notice sealed on the 31st October 2008 filed on behalf of the Respondent seeking to affirm the order of The Competition Appeal Tribunal dated 10th July 2008 on different or additional grounds

AND ON HEARING Mr Michael Fordham QC and Ms Meredith Pickford of Counsel on behalf of the First Appellant and Lord Pannick QC, Mr Thomas de la



IN THE COURT OF APPEAL

BETWEEN :

TELEFONICA O2 UK LIMITED

Appellant

and

OFFICE OF COMMUNICATIONS

Respondent

AMENDMENT TO THE NOTICE OF APPEAL

Appeal Bundle, volume 1, tab 2, p.31

5 In the further alternative, the Tribunal erred in law in failing to construe section 192 of the Communications Act 2003 and paragraph 40 of Schedule 8 to that Act as conferring a right of appeal in the circumstances of the present case.

LORD PANNICK QC

TOM DE LA MARE

TOM RICHARDS

FRIDAY 12TH DECEMBER 2008
IN THE COURT OF APPEAL
ON APPEAL FROM
THE COMPETITION APPEAL TRIBUNAL

T MOBILE (UK) LIMITED

- and -

TELEFONICA 02 UK LIMITED

- and -

OFFICE OF COMMUNICATIONS

ORDER

Copies to:

Competition Appeal Tribunal
Procession House
55 Ludgate Hill
London
EC4M 7JW

Messrs Baker & Mckenzie
DX 233
Chancery Lane
Ref: TKC/RSP

Messrs Lovells LLP
DX 57
London/Chancery Lane
Ref: 41109.00083

General Counsel
Riverside House
2a Southwark Bridge
London
SE1 9HA

* This order was drawn by Mr S Ezeoke (Court Officer) to whom all enquiries regarding this order should be made. When communicating with the Court please address correspondence to Mr S Ezeoke, Civil Appeals Office, Room E307, Royal Courts of Justice, Strand, London WC2A 2LL (DX 44450 Strand) and quote the Court of Appeal reference number. The Court Officers telephone number is 020 7073 4829.