



COMPETITION APPEAL TRIBUNAL

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

CASE No: 1108/5/7/08

The Registrar of the Competition Appeal Tribunal (“the Tribunal”) gives notice of the receipt of a claim (“the claim”) for damages on 3 December 2008, under section 47A of the Competition Act 1998 (“the Act”), by Mr. Nicholas Wilson and Mrs. Diana Wilson of Little Place, 16 East Drive, Ham Manor, Angmering, Sussex, BN16 4JH (together, “the claimants”) against Lancing College whose address is at Lancing, West Sussex, BN15 0RW (“the defendant”).

The claim arises from a decision of the Office of Fair Trading, which was published on 21 December 2006 (“the decision”). The decision found that fifty fee-paying independent schools, including the defendant, had participated in an agreement and/or concerted practice in which detailed information as to the fees which they intended to charge was exchanged which had as its object the prevention, restriction or distortion of competition in the market for the provision of educational services to both boarding and day pupils at independent fee-paying senior schools thereby infringing section 2(1) of the Act (“the Chapter I prohibition”).

The claimants have two children, who both attended Lancing College. During the academic years in respect of which the schools were found to have infringed the Chapter I prohibition, namely 2001/2002 to 2003/2004, the claimants paid school fees for one child for 3 years and for the other child for 2 years. The claimants contend that the regular and systematic exchange of confidential information as to intended school fee increases was anti-competitive and resulted in the defendant charging higher fees than would otherwise have been the case.

The claimants submit that they have suffered loss and damage as a direct consequence of the infringement by the defendant of the Chapter I prohibition identified in the decision.

The claimants seek the following relief:

- (a) £11,842 for school fee over-payments;
- (b) Unspecified damages and compensation;
- (c) A refund of £8,959.07 being interest and legal fees charged; and
- (d) Interest to continue accruing at a daily rate of £3.55.

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

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