



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

**Cases: 1037(IR) and 1038/2/1/04**

**BETWEEN:**

**M.E. BURGESS, J.J. BURGESS AND S.J. BURGESS**  
**(trading as J.J. BURGESS & SONS)**

**Appellants**

**-v-**

**THE OFFICE OF FAIR TRADING**

**Respondent**

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**ORDER OF THE TRIBUNAL**

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**UPON** reading the appellants' applications for interim relief

**AND UPON** hearing counsel for the parties at a case management hearing.

**AND UPON** the Tribunal indicating that in the public interest, mediation or some equivalent without prejudice procedure should be explored with regard to the dispute between J.J. Burgess & Sons and Harwood Park Crematorium with a view to making it unnecessary for the Tribunal to rule on the application for interim relief

**IT IS ORDERED THAT:**

1. There be no order on the appellants' application for interim relief under section 47(1)(e) of the Competition Act 1998 in case 1038/2/1/04.
2. The case management hearing be adjourned to 10.30 am on 14 July 2004 for the purposes of exploring whether or not some interim arrangement can be agreed between J.J. Burgess & Sons and Harwood Park Crematorium, without prejudice to the substantive issues in the case.
3. In default of any agreement under paragraph 2 above the Tribunal will hear the appellants' application for interim relief under rule 61 of the Tribunal's Rules (S.I. 2003 No. 1372) in respect of decision CA98/06/2004 of the Office of Fair Trading at 10.30 am on 20 July 2004.
4. Costs be reserved.
5. There be liberty to apply.