



IN THE COMPETITION APPEAL TRIBUNAL

Cases: 1095/4/8/08
1096/4/8/08

BETWEEN:

BRITISH SKY BROADCASTING GROUP PLC

Applicant

-v-

**(1) THE COMPETITION COMMISSION
(2) THE SECRETARY OF STATE FOR BUSINESS, ENTERPRISE AND
REGULATORY REFORM**

Respondents

VIRGIN MEDIA, INC.

Applicant

-v-

**(1) THE COMPETITION COMMISSION
(2) THE SECRETARY OF STATE FOR BUSINESS, ENTERPRISE AND
REGULATORY REFORM**

Respondents

ORDER

UPON reading (a) the report sent by the Competition Commission to the Secretary of State for Business, Enterprise and Regulatory Reform (“the Secretary of State”) on 14 December 2007 entitled “Acquisition by British Sky Broadcasting Group plc of 17.9 per cent of the shares in ITV plc” and (b) the decision of the Secretary of State dated 29 January 2008 pursuant to section 54(2) of the Enterprise Act 2002

AND UPON reading the notice of applications lodged by British Sky Broadcasting Group plc (“Sky”) and Virgin Media, Inc. (“Virgin”) under rule 8 of the Competition Appeal Tribunal Rules 2003 (S.I. No. 1372 of 2003, as amended by S.I. No. 2068 of 2004) (“the Tribunal Rules”) on 22 February 2008 and 25 February 2008 respectively

AND UPON considering the requests for permission to intervene filed on behalf of Sky on 4 March 2008 in Case 1096/4/8/08 (“the Virgin proceedings”) and of Virgin on 6 March 2008 in Case 1095/4/8/08 (“the Sky proceedings”) and the parties’ observations on those requests

AND UPON reading the submissions of the parties filed in advance of the case management conference

AND UPON hearing the legal representatives of the parties at a case management conference on 11 March 2008

IT IS ORDERED THAT:

1. Under rule 18 of the Tribunal Rules, the Sky proceedings and Virgin proceedings be treated as proceedings in England and Wales
2. Virgin be permitted to intervene in the Sky proceedings and that Sky serve a non-confidential version of the notice of application including annexes on Virgin forthwith
3. Sky be permitted to intervene in the Virgin proceedings and that Virgin serve a non-confidential version of the notice of application including annexes on Sky forthwith
4. The parties formulate and agree between themselves and, so far as applicable, ITV plc, arrangements for the disclosure of confidential information and documents relevant to the Sky and Virgin proceedings and submit the agreed arrangements to the Tribunal in the form of an agreed draft order as soon as possible, and in any event no later than 4pm on 28 March 2008
5. In relation to the proceedings before the Tribunal:
 - a. The time for filing and serving the defences be extended to 4pm on 28 March 2008
 - b. Sky and Virgin file and serve their respective statements of intervention by 4pm on 11 April 2008
 - c. Sky and Virgin file and serve their skeleton arguments by 4pm on 2 May 2008
 - d. The respondents file and serve their skeleton arguments by 4pm on 16 May 2008
 - e. The parties prepare an agreed bundle of documents to serve as the core bundle for the hearing and a joint bundle of authorities to be referred to at the hearing
 - g. The parties file six copies of each of the said bundles by 4pm on 16 May 2008

- h. A hearing be listed for 3 June 2008 with a time estimate of three days
- 6. Costs be reserved
- 7. There be liberty to apply

The Honourable Mr Justice Barling
President of the Competition Appeal Tribunal

Made: 11 March 2008
Drawn: 14 March 2008