



[2005] CAT 37

**IN THE COMPETITION
APPEAL TRIBUNAL**

Case No 1051/4/8/05

Victoria House,
Bloomsbury Place,
London WC1A 2EB

1st November 2005

Before:
SIR CHRISTOPHER BELLAMY
(President)

MARION SIMMONS QC
PROFESSOR PAUL STONEMAN

Sitting as a Tribunal in England and Wales

BETWEEN:

SOMERFIELD PLC

Applicant

and

COMPETITION COMMISSION

Respondent

Mr. James Flynn QC and Mr. Aidan Robertson (instructed by TLT Solicitors) appeared for the Applicant.

Mr. John Swift QC and Mr. Daniel Beard (instructed by the Treasury Solicitor) appeared for the Respondent.

Transcribed from the Shorthand notes of
Beverley F. Nunnery & Co.
Official Shorthand Writers and Tape Transcribers
Quality House, Quality Court, Chancery Lane, London WC2A 1HP
Tel: 020 7831 5627 Fax: 020 7831 7737

RULING: REQUEST TO INTERVENE

1 THE PRESIDENT: The Tribunal received on 13 October 2005 an application to intervene in this
2 case from Vue Entertainment Holdings (UK) Ltd. That application was apparently made on
3 the basis that the CC is in the course of conducting another inquiry into the acquisition of
4 certain cinemas in which Vue is interested. It has apparently been intimated to Vue that in the
5 course of that inquiry diversion ratios may be used by the CC as part of its assessment of the
6 situation.

7 Vue is not active in the grocery market, has no interest in entering that market, and
8 played no part at all in the CC's inquiry into the acquisition by Somerfield of certain stores
9 from Morrison. Despite having been informed of this hearing, and having been informed of
10 the Tribunal's provisional view that Vue did not have a sufficient interest to intervene within
11 the meaning of Rule 15 of the Tribunal's Rules, Vue has not attended today to put any further
12 submissions to the Tribunal and has indicated to us that it does not wish to make any further
13 submissions. It does not, however, formally speaking withdraw its application.

14 In our view the matters that Vue has put forward do not amount to a sufficient interest
15 for the purposes of the present application. We stress in particular that Vue is a company that
16 does not (as far as we know) represent any other companies, is not an association that
17 represents general interests, or anything of that kind. In those circumstances we reject Vue's
18 application for permission to intervene.

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