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IN THE COMPETITION
APPEAL TRIBUNAL

Case No. 1035/1/1/04
1041/2/1/04

Victoria House,
Bloomsbury Place,
London WC1A 2EB

2nd August 2005

Before:
THE HONOURABLE MR. JUSTICE RIMER
(Chairman)
PROFESSOR ANDREW BAIN
MRS. SHEILA HEWITT

Sitting as a Tribunal in England and Wales

BETWEEN:

THE RACECOURSE ASSOCIATION AND OTHERS

Appellants

and

OFFICE OF FAIR TRADING

Respondent

AND

THE BRITISH HORSERACING BOARD

Appellant

and

OFFICE OF FAIR TRADING

Respondent

Transcript of 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

PROCEEDINGS AFTER JUDGMENT

APPEARANCES

Mr. Alex Haffner (Solicitor, Denton Wilde Sapte) appeared for the Appellants The Racecourse Association and Others.

Mr. Gustaf Duhs (Solicitor, Legal Services, Office of Fair Trading) appeared for the Respondents.

Mr. Andrew Hankin (Solicitor, Addleshaw Goddard) appeared for the Appellant The British Horseracing Board.

1 THE CHAIRMAN: For the reasons given in the judgment which has been handed down we allow the
2 appeals and we set aside the OFT's decision that the sale of the non-LBO rights and the media
3 rights agreement infringe the Chapter 1 prohibition within the Competition Act 1998.

4 We have been invited to defer until a later date convenient to the parties' counsel
5 questions of costs and we would propose to defer until such later date – that is in the form of the
6 order if there is any question about it – questions of costs and any application for permission to
7 appeal. We have provisionally proposed, subject to the availability of the parties, that Friday,
8 23rd September at 10.30 a.m. would be a convenient date to deal with these outstanding matters.
9 We have received a letter from Denton Wilde Sapte suggesting that any such further hearing
10 should be preceded, or might be preceded, by written submissions. It does seem to us that that
11 would be convenient and accordingly what we propose to direct is that written submissions from
12 the two appellants, who we imagine will be making some sort of running with regard to costs,
13 should be served by 9th September, and written submissions in reply from the OFT should be
14 served by 16th September.

15 It may be that the date that we have alighted upon is quite impossible for one or other of
16 the parties. If so, we would be grateful for urgent representations to that effect within the course
17 of this week. We obviously want to accommodate the parties' counsel if possible since they know
18 all about the case, but we do need to fix the date as soon as possible. The 23rd is not writ in stone
19 but we would like to stick to that if we can. If it is impossible for any party would they please let
20 the Tribunal know by the end of this week.

21 _____
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