

FRIDAY 26TH APRIL 2013

IN THE COURT OF APPEAL

ON APPEAL FROM THE COMPETITION APPEAL TRIBUNAL

2012CAT20

BEFORE LORD JUSTICE LEWISON

B E T W E E N

BRITISH TELECOMMUNICATIONS PLC

APPELLANT

- and -

1. OFFICE OF COMMUNICATIONS
2. BRITISH SKY BROADCASTING LIMITED
3. VIRGIN MEDIA INC
4. THE FOOTBALL ASSOCIATION PREMIER LEAGUE
5. ENGLAND AND WALES CRICKET BOARD
6. TOP UP TV EUROPE LIMITED
7. RFL (GOVERNING BODY) LIMITED
8. THE FOOTBALL ASSOCIATION LIMITED
9. FREESAT (UK) LIMITED
10. RUGBY FOOTBALL UNION
11. PGA EUROPEAN TOUR
12. THE FOOTBALL LEAGUE LIMITED

RESPONDENTS

ON READING the Appellant's Notice sealed on the 21st February 2013 filed on behalf of the Appellant on appeal from the order of The Competition Appeal Tribunal dated 8th August 2012

AND UPON the Appellant's application for reconsideration of the decision of Patten LJ on 26 March 2013 reusing permission to appeal without a hearing

AND UPON hearing Counsel for the Appellant

IT IS ORDERED that;

1. Permission to appeal is refused in relation to Points 1 and 2 of the Grounds of Appeal.
2. Permission to appeal is granted in relation to the Tribunal's treatment of Ofcom's second competition concern, as referred to in Point 3 of the Grounds of Appeal.



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3. BT has permission to amend its Grounds of Appeal and Skeleton Argument if so advised, in relation to the issue for which permission to appeal has been granted, relating to the Tribunal's treatment of Ofcom's second competition concern.
4. The appeal be listed for a two-day hearing before a panel of three Court of Appeal judges, one Lord or Lady Justice to have competition experience if possible.
5. The Tribunal's suspension of its directions in paragraph 3 and 4(c) of its Order of 6 March 2013, and continued by paragraph 3 of the Order of Lord Justice Patten of 26 March 2013, be continued until determination of the substantive appeal or further order. Liberty to Sky to apply to discharge it.
6. The case is not suitable for expedition.



By the Court