



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

Case No: 1229/6/12/14

**BETWEEN**

**HCA INTERNATIONAL LIMITED**

Applicant

**-v-**

**COMPETITION AND MARKETS AUTHORITY**

Respondent

**-and-**

**AXA PPP HEALTHCARE LIMITED**  
**THE LONDON CLINIC**  
**BUPA INSURANCE LIMITED**

Interveners

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**ORDER**

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**UPON** the Tribunal having directed by Order dated 12 January 2015 that:

- a. the insured AEC decision and the divestment decision, as defined in that Order and as contained in the “*Private healthcare market investigation: Final report*” dated 2 April 2014 (“the Final Report”), be quashed and remitted to the Competition and Markets Authority (“the CMA”) for reconsideration
- b. HCA International Limited’s (“HCA”) application for review insofar as it related to the decision in the Final Report that there was an AEC in relation to self-pay patients (“the self-pay AEC decision”) should be stayed pending the outcome of the reconsideration
- c. the costs of Grounds 2 to 5 of HCA’s Re-Amended Notice of Application should be reserved pending the outcome of the reconsideration for the

reasons set out in paragraph 69 of the Tribunal's Ruling dated 23 December 2014

**AND UPON** the CMA having published the "*Private Healthcare Remittal: Final Report*" on 5 September 2016 ("the Remittal Report")

**AND UPON** HCA having applied to withdraw its challenge to the self-pay AEC decision following the publication of the Remittal Report pursuant to Rule 12 of the Competition Appeal Tribunal Rules 2003 (S.I. No. 1372 of 2003) ("the 2003 Rules")

**AND UPON** the term of the Chairman hearing these proceedings, Sales LJ, having come to an end

**AND UPON** the CMA and HCA having reached a settlement on costs in respect of Grounds 2 to 5 of HCA's Re-Amended Notice of Application

**AND UPON** there being no objection to the proposed withdrawal of the application for review

**IT IS ORDERED THAT:**

1. Pursuant to Rule 19(1) of the 2003 Rules and the need to secure the just, expeditious and economical conduct of the proceedings, the proceedings be transferred to a Tribunal consisting of the President, Dermot Glynn and Clare Potter
2. Save in respect of the Tribunal's decision to quash and remit the insured AEC decision and the divestment decision to the CMA for reconsideration, HCA's application for review be withdrawn
3. There shall be no order as to costs

The Hon. Mr Justice Roth  
(The President)

Dermot Glynn

Clare Potter

Charles Dhanowa O.B.E., Q.C. (Hon)  
(Registrar)

Date: 27 March 2017