



COMPETITION APPEAL TRIBUNAL

NOTICE OF A CLAIM UNDER SECTION 47A OF THE COMPETITION ACT 1998

Case No: 1303/5/7/19

Pursuant to Rule 33(8) of the Competition Appeal Tribunal Rules 2015 (S.I. 2015 No. 1648) (the “Tribunal Rules”), the Registrar gives notice of the receipt of a claim for damages and an injunction (the “Claim”) on 8 February 2019, under section 47A of the Competition Act 1998 (the “Act”), by Melanie Meigh (trading as The Prinknash Bird and Deer Park) (the “Claimant”) against Prinknash Abbey Trustees Registered (the “Defendant”). The Claimant is represented by Burges Salmon LLP, One Glass Wharf, Bristol BS2 0ZX (Reference: Noel Beale / Becky Ellis).

The Claim arises from an alleged infringement of the prohibition contained in section 2(1) of the Act (the “Chapter I prohibition”). The Claimant has applied for fast-track designation of the proceedings pursuant to Rule 58 of the Tribunal Rules.

The Claimant is the sole proprietor of an unincorporated business known as The Prinknash Bird and Deer Park, which is located on the Prinknash Estate in Prinknash, Cranham, Gloucester GL4 8EX. The Claimant carries on business on property leased from the Defendant (the “Leased Property”).

The Defendant is a registered charity and the freehold owner of the Prinknash Estate. The Defendant owns a shop and café located on the Prinknash Estate, nearby to the Claimant’s business. The Defendant’s shop and café sells food, drink, refreshments, gifts and souvenirs.

According to the Claim, the Claimant was granted a licence by the Defendant on 2 December 2011 to erect two new buildings for an animal welfare centre and a visitor’s centre at the Leased Property. In January 2013 the Claimant applied to the Defendant for consent to amend the licence to construct one building, which would house both the animal welfare centre and visitor centre. The Defendant refused to give its consent unless the Claimant agreed not to use that building for the sale or consumption of food and drink.

In subsequent High Court proceedings the Claimant sought a declaration that the Defendant had unreasonably withheld consent. In response the Defendant alleged breaches by the Claimant under her lease.

The Claimant and Defendant entered into a new licence on 13 January 2014 for the construction of a single building (the “2014 Licence”) and a settlement agreement on 9 July 2015 (the “2015 Settlement Agreement”). According to the Claim, the provisions of the 2014 Licence restricted the Claimant’s ability to sell food and drink and souvenirs in the building, prohibited the designation of any part of it for the consumption of food and drink, and prohibited the Claimant from constructing or operating a commercial kitchen in the building. The Claim also states that the 2015 Settlement Agreement limited the events and educational courses that the Claimant may hold and imposed restrictions on the Claimant’s ability to sell food and drink at such events and courses.

The Claimant alleges that the relevant provisions in the 2014 Licence and 2015 Settlement Agreement infringe the Chapter I prohibition because they restrict, prevent and/or distort competition in the following markets:

- (1) The retail sale of food, drink and other refreshments from premises located on the Prinknash Estate (by object or effect).
- (2) The retail sale of gifts, souvenirs and other goods from premises located on the Prinknash Estate (by object or effect).
- (3) The provision to the public of wildlife parks within 45 minutes’ drive time of the Prinknash Estate (by effect).

and are therefore void and unenforceable. The Claim states that as a result of the infringement the Claimant has suffered loss and damage.

The Claimant seeks:

- (1) An injunction to restrain the Defendant from enforcing the relevant provisions of the 2014 Licence and of the 2015 Settlement Agreement.
- (2) Damages to be assessed.
- (3) Exemplary damages.
- (4) Interest on damages and exemplary damages.
- (5) Costs.
- (6) Such further or other relief as the Tribunal may think fit.

Further details concerning the procedures of the Competition Appeal Tribunal can be found on its website at www.catribunal.org.uk. Alternatively, the Tribunal Registry can be contacted by post at Victoria House, Bloomsbury Place, London WC1A 2EB, or by telephone (020 7979 7979) or email (registry@catribunal.org.uk). Please quote the case number mentioned above in all communications.

Charles Dhanowa OBE, QC (Hon)
Registrar

Published 19 February 2019