



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1290/5/7/18 (T)

BETWEEN

(1) BT GROUP PLC
(2) BRITISH TELECOMMUNICATIONS PUBLIC LIMITED COMPANY
(3) BT FLEET LIMITED

(“BT”)
Claimants

-and-

(1) DAF TRUCKS LIMITED
(2) DAF TRUCKS N.V.
(3) DAF TRUCKS DEUTSCHLAND GMBH
(4) PACCAR INC

Defendants

CONSENT ORDER

UPON the Defendants refusing to consent to certain of the amendments in the draft Amended Particulars of Claim, as highlighted in yellow in Annex 1 to this Order (the “Disputed Amendments”), on the basis of their contention that, pursuant to section 35 Limitation Act 1980, there is no jurisdiction to grant permission to allow the Disputed Amendments

AND UPON BT stating that it will not seek to contend that the Defendants have no reasonably arguable case for the purposes of CPR rule 17.4 that the Disputed Amendments were outside the applicable limitation period as at the date of this Order and agreeing with the Defendants that other questions going to the jurisdiction to grant permission to make the Disputed Amendments under section 35 Limitation Act 1980 and CPR rule 17.4 were to be deferred until trial

AND UPON BT giving the Undertaking set out in Annex 2 to this Order (“the BT Undertaking”)

BY CONSENT IT IS ORDERED THAT

Amendments to the BT pleadings

1. BT has permission to amend its Particulars of Claim in the form of the draft Amended Particulars of Claim at Annex 1 of this Order save that, in respect of the Disputed Amendments, permission is granted on the basis that the effect of the amendment is not, for limitation purposes, to give rise to a relation back of the Disputed Amendments to the date of the issue of the BT proceedings, unless BT can show at trial that, for the purposes of section 35 Limitation Act 1980:
 - a. the Disputed Amendments do not add or substitute a new claim or claims; or,
 - b. in respect of any Disputed Amendments which do not add or substitute a new claim or claims, each new claim arises out of the same facts or substantially the same facts as the claim which is pleaded in the Particulars of Claim.

The Hon Mr Justice Roth
President of the Competition Appeal Tribunal

Made: 31 January 2019
Drawn: 1 February 2019