



IN THE COMPETITION
APPEAL TRIBUNAL

Case: 1418/5/7/21

BETWEEN:

BLUE PLANET HOLDINGS LIMITED

Pursuer

- v -

(1) ORKNEY ISLANDS COUNCIL
(2) ORKNEY FERRIES LIMITED
(3) SINCLAIR HAULAGE LIMITED

Defenders

ORDER

UPON the Tribunal's order of 23 March 2022 (the "23 March 2022 Order")

AND UPON the motion dated 1 April 2022 on behalf of the First and Second Defenders to vary paragraph 5(b) of the 23 March 2022 Order ("Motion for Variation")

AND UPON the Pursuer's response dated 3 April 2022 objecting to the Motion for Variation

AND UPON the Pursuer's request dated 8 April 2022 for the production of additional documents by (i) the First and Second Defenders and (ii) JBT Distribution Limited ("JBT") and/or Menzies Distribution Limited ("Menzies") (the "8 April Motion")

AND UPON the responses on behalf of (i) the First and Second Defenders and (ii) JBT and Menzies dated 22 April 2022 the objecting to the 8 April Motion

AND UPON the Pursuer's request dated 3 May 2022 to amend its 8 April Motion to remove the requests for documents that relate to JBT and/or Menzies

AND UPON hearing oral submissions from the parties and JBT/Menzies at a hearing on 4 May 2022

IT IS ORDERED THAT:

8 April Motion

1. The Pursuer is granted permission to amend its 8 April Motion to remove the request for documents from JBT and/or Menzies.
2. In relation to the documents sought from the First and Second Defenders:
 - (i) The Pursuer is granted permission to withdraw its request in relation to copies of all contracts, agreements that exist or have existed between the Second Defender and JBT (formerly Jim Brackenridge (Transport) Limited) and/or Streamline Shipping.
 - (ii) The request for copies of any additional specification sets, or written instructions given by the First and or Second Defenders to JBT and/or Streamline shipping regarding the Outer Isles Freight Centre is refused in hoc statu.
 - (iii) By 5pm on 11 May 2022, the First and Second Defenders shall file and serve any reply from Mr Blake to Mr Neil's email of 7 February 2019. Should it not be possible to locate the document, the First and Second Defenders shall provide a disclosure statement by a suitable officer, verified by a statement of truth, stating what searches have been undertaken and why it has not been possible to locate the document.

Motion for Variation

3. The Motion for Variation is refused.

Other

4. No order as to expenses.
5. There be liberty to apply.

The Honourable Lord Ericht
Chairman of the Competition Appeal Tribunal

Made: 4 May 2022
Drawn: 5 May 2022