



**IN THE HIGH COURT OF JUSTICE**

**BUSINESS AND PROPERTY COURTS  
OF ENGLAND AND WALES**

CP-2021-000021

**Competition List (ChD)**

**MASTER PESTER**

**Wednesday 27 July 2022**

**BETWEEN**

**Inchcape Retail Limited and others**

**Claimants**

**and**

- 1 Visa UK Limited**
- 2 Visa Europe Limited**
- 3 Visa Europe Service LLC**
- 4 Visa Inc**

**Defendants**

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**CONSENT ORDER**  
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**UPON** the Claimants having served the Claim Form on the Defendants

**HAVING REGARD TO** section 16 of the Enterprise Act 2002 (as amended) (the “2002 Act”) and to the Section 16 Enterprise Act 2022 Regulations 2015 (the “2015 Regulations”)

**AND HAVING REGARD TO** paragraphs 8.3-8.6 and 8.10-8.13 of Practice Direction 30, supplementing CPR Part 30 (“Practice Direction 30”)

**AND HAVING REGARD TO** the overriding objective in CPR Rule 1.1

**AND UPON** the parties having agreed to this Order in draft form

**AND UPON** the Court concluding, in the light of all the circumstances of the cases, including the wishes of the parties, that it is appropriate to make an Order pursuant to section 16(1) of the 2002 Act together with Regulation 2 of the 2015 Regulations in respect of these Proceedings, and noting that this Court may give such directions or make such Order as it thinks fit to give effect to the determination of any issue by the Tribunal pursuant to Regulation 2(b) of the 2015 Regulations

**BY CONSENT IT IS ORDERED THAT:**

1. Pursuant to CPR 2.11, the time for service of the Particulars of Claim under CPR Rule 7.4(1)(b) be extended to 16:30 on 28 October 2022 except that:
  - 1.1. the above extension shall be terminable on 30 days' written notice by either the Claimants or the Defendants (collectively) served in accordance with the below Schedule; and
  - 1.2. accordingly, the Particulars of Claim must be served on the Defendants (unless the parties agree otherwise in writing) before the earlier of: (a) 16:30 on 28 October 2022; or (b) the date falling 30 days after service of a written notice of the termination of this extension.
2. The Proceedings are hereby transferred to the Competition Appeal Tribunal ("CAT") pursuant to section 16(1) of the 2002 Act and Regulation 2 of the 2015 Regulations.
3. Pursuant to paragraph 3 of Practice Direction 30, this Order shall take effect forthwith.
4. The sending of this Order to the parties and the CAT shall constitute notice to them for the purposes of paragraphs 8.5 and 8.12 of Practice Direction 30 and CPR Rule 30.4(1).
5. Costs in the Case.
6. This Order shall be served by the Claimants on the Defendants.

**For the avoidance of doubt**, this Order is not intended to alter, limit or exclude any element of the Claimants' Claims as constituted in this court prior to the transfer taking effect. If and to the extent that any element of the Claimants' Claims as constituted in this Court prior to the transfer taking effect is not capable of falling within the jurisdiction of the CAT on a transfer, or would be altered, limited or excluded by this Order or the transfer, it is not subject to this Order and remains within the jurisdiction of this Court. This Court may give such further directions or make such further Order as it thinks fit in connection with the transfer and/or with any element as referred to above.

**For the further avoidance of doubt**, any Order determining any issue in these Proceedings shall be made by this Court and any appeal therefrom may be made pursuant to CPR Part 52.

### **Service of the Order**

The Court has provided a sealed copy of this Order to the **serving party**:

**Claimants' Solicitors:**

Freeths LLP

The Colmore Building

20 Colmore Circus

Queensway

Birmingham

**B4 6AT**

**Ref: 88102676.2**

**Email - [Dispute.Management-Birmingham@freeths.co.uk](mailto:Dispute.Management-Birmingham@freeths.co.uk)**

**and**

**First and Second Defendants:**

Visa UK Limited **and** Visa Europe Limited

1 Sheldon Square

London

**W2 6TT**

**and**

**Third Defendant:**

Visa Europe Service LLC  
Corporation Trust Center  
1209 Orange Street  
Wilmington,  
New Castle  
19801 Delaware  
**United States of America**

**and**

**Fourth Defendant:**

Visa Inc.  
900 Metro Center Blvd  
Foster City  
CA 94404  
**United States of America**

**THE SCHEDULE**

The notice referred to at paragraph 1 above and/or any Particulars of Claim shall be served:

1. on the Defendants by email to [tom.cassels@linklaters.com](mailto:tom.cassels@linklaters.com), [sarina.williams@linklaters.com](mailto:sarina.williams@linklaters.com) and [Linklaters Interchange@linklaters.com](mailto:Linklaters_Interchange@linklaters.com) or to any alternative that is notified to the Claimants; and
2. (in the case of a notice only) on the Claimants by email to [Richard.Coates@freeths.co.uk](mailto:Richard.Coates@freeths.co.uk), [Josh.Middleton@freeths.co.uk](mailto:Josh.Middleton@freeths.co.uk), [Oli.Jackson@freeths.co.uk](mailto:Oli.Jackson@freeths.co.uk) and [Martina.Farska@freeths.co.uk](mailto:Martina.Farska@freeths.co.uk) or to any alternative that is notified to the Defendants.