



CLAIM NO: CL-2022-000253

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS
OF ENGLAND AND WALES
COMMERCIAL COURT (KBD)

CL-2022-000253

BEFORE MR JUSTICE JACOBS

B E T W E E N:

CHICHESTER FESTIVAL THEATRE
AND OTHERS

Claimants

- and -

- (1) MASTERCARD INCORPORATED
- (2) MASTERCARD INTERNATIONAL INCORPORATED
- (3) MASTERCARD EUROPE SA
- (4) MASTERCARD/EUROPAY UK LIMITED

Mastercard Defendants

CLAIM NO: CL-2022-000254

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COMMERCIAL COURT (KBD)

B E T W E E N:

CHICHESTER FESTIVAL THEATRE
AND OTHERS

Claimants

- and -

- (1) VISA EUROPE LIMITED
- (2) VISA EUROPE SERVICES LLC
- (3) VISA UK LIMITED

Visa Defendants

CONSENT ORDER

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

IT IS ORDERED THAT

1. These proceedings are transferred to the Competition Appeal Tribunal (“CAT”) pursuant to section 16(1) of the 2002 Act and Regulation 2 of the 2015 Regulations.
2. Pursuant to paragraph 3 of Practice Direction 30, this Order shall take effect forthwith.
3. 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).
4. Costs in the Case.

For the avoidance of doubt neither this Order giving effect to the said transfer, nor the transfer itself, is intended to alter, limit or exclude in any respect any element of the Claimants’ claim as constituted in this Court prior to the transfer taking effect. If and to the extent that any element of the Claimants’ claim 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.

Dated this 27th September 2022