



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1482/5/7/22 (T)

BETWEEN:

(1) FORTNUM & MASON PLC
(2) HEAL & SON LTD

Claimants

- v -

(1) VISA UK LIMITED
(2) VISA EUROPE LIMITED
(3) VISA INTERNATIONAL SERVICE ASSOCIATION
(4) VISA INC.
(5) VISA EUROPE SERVICES LLC

Defendants

CONSENT ORDER

UPON these proceedings being commenced in the High Court on 18 December 2013 (BL-2013-000007) (the “**Claim**”)

AND UPON an amended Claim Form being filed in the High Court on 29 August 2019 and as may be re-amended prior to service pursuant to CPR r.17.1(1) (the “**Claim Form**”)

AND UPON the Order of the High Court dated 7 April 2022 transferring the Claim from the High Court to the Competition Appeal Tribunal (the “**Transfer Order**”)

AND HAVING REGARD TO (i) the views expressed by the President of the Tribunal at the Case Management conference on 1-2 March 2022 in Cases 1306-1325/5/7/19 (T), 1349-1350/5/7/20 (T), 1369/5/7/20 (T), 1373-1374/5/7/20 (T), 1376/5/7/20 (T), 1383-1384/5/7/21

(T), 1385-1400/5/7/21 (T) and 1406/5/7/21 (T) (the “**Merchant Interchange Proceedings**”);
(ii) the Tribunal’s Order of 16 March 2022 following such CMC (the “**March 2022 Order**”);
and (iii) the Tribunal’s Ruling of 16 March 2022 ([2022] CAT 14) (the “**Ruling**”)

AND UPON the Umbrella Proceedings Order of the President dated 4 July 2022 designating certain cases as “Host Cases” pursuant to the Tribunal’s Practice Direction 2/2022 (Umbrella Proceedings), such that the Ubiquitous Matters (as defined in the Practice Direction) arising in those cases will be disposed of in Umbrella Proceedings (under Case No 1517/11/7/22 (UM) Merchant Interchange Fee Umbrella Proceedings) in accordance with the process set out in the Tribunal’s March 2022 Order and Ruling in the Merchant Interchange Proceedings

AND UPON the Umbrella Proceedings Order of the President dated 19 August 2022 designating the Claim as an additional Host Case in Case No 1517/11/7/22 (UM) Merchant Interchange Fee Umbrella Proceedings

AND UPON the Parties agreeing to the terms set out in paragraph 4 of the March 2022 Order

AND UPON reading the letter of Hausfeld & Co. LLP dated 25 November 2022 seeking a stay of the Claim and the accompanying draft consent order signed by the parties

BY CONSENT IT IS ORDERED THAT:

1. The Claim Form shall be served in accordance with the Civil Procedure Rules 1998.
2. Pursuant to Rule 53(2)(k) of the Competition Appeal Tribunal Rules 2015, upon service of the Claim Form, the Claimants’ claim in these proceedings shall be stayed on the terms set out in paragraph 4 of the March 2022 Order (the “**Stay**”).
3. Notwithstanding the Stay, (i) the Claimants agree to be bound by the outcome of the Merchant Interchange Fee Umbrella Proceedings (including any appeals) in respect of all designated Ubiquitous Matters and (ii) a party in the Merchant Interchange Fee Umbrella Proceedings may make an application for one or more of the Claimants to provide information or disclosure on the condition that the Tribunal considers such information or disclosure necessary to resolve a wider issue in the Merchant Interchange Fee Umbrella Proceedings.

4. The Claimants shall not be required to serve any Particulars of Claim during the Stay and the time for serving Particulars of Claim shall be extended until 12 weeks after the date of the order lifting the Stay, unless the Tribunal shall order otherwise.
5. There be liberty to apply.
6. Costs in the case.

Sir Marcus Smith
President of the Competition Appeal Tribunal

Made: 30 November 2022
Drawn: 30 November 2022