



**IN THE COMPETITION**  
**APPEAL TRIBUNAL**

Case Nos: 1492/5/7/22 (T)  
1493/5/7/22 (T)

BETWEEN:

**PRIMARK STORES LIMITED & OTHERS**

Claimants

- v -

- (1) **MASTERCARD INCORPORATED**
- (2) **MASTERCARD INTERNATIONAL INCORPORATED**
- (3) **MASTERCARD EUROPE S.A.**
- (4) **MASTERCARD/EUROPAY UK LIMITED**

Defendants

(the “**Primark Proceedings**”)

AND BETWEEN:

- (1) **FORTNUM & MASON PLC**
- (2) **HEAL & SON LIMITED**
- (3) **HEAL’S (1810) LIMITED**

Claimants

- v -

- (1) **MASTERCARD INCORPORATED**
- (2) **MASTERCARD INTERNATIONAL INCORPORATED**
- (3) **MASTERCARD EUROPE S.A.**
- (4) **MASTERCARD/EUROPAY UK LIMITED**

Defendants

(the “**F&M Proceedings**”)

---

**ORDER**

---

**UPON** the amended Claim Forms in the Primark Proceedings and the F&M Proceedings (together, the “**Proceedings**”) being filed in the High Court on 8 August 2019 (the “**Amended Claim Forms**”)

**AND UPON** the Order of the Chancellor of the High Court dated 7 April 2022 (as re-amended on 13 September 2022 pursuant to the Civil Procedure Rules (“**CPR**”) r.40.12 by the direction of Master Clark) transferring the cases listed in the schedule to that order to the Tribunal (the “**Transfer Order**”) including, amongst others, the Proceedings

**AND UPON** the Order of the Tribunal made by consent on 30 November 2022 ordering that the F&M Proceedings be stayed immediately upon service of the F&M Proceedings Amended Claim Forms (as may be re-amended prior to service pursuant to CPR r.17.1(1)) under further order

**AND UPON** considering the letter dated 19 December 2022 from Hausfeld & Co. LLP on behalf of the Claimants in the Proceedings requesting to amend their Amended Claim Forms and their proposed re-amended versions of the Amended Claim Forms subsequently provided to the Tribunal by email at 8:31pm on 22 December 2022 (the “**Re-Amended Claim Forms**”)

**AND HAVING REGARD TO** the CPR in relation to amendments prior to service of the claim form, specifically CPR r.17.1(1) and CPR r.19.4(1)

**IT IS ORDERED THAT:**

1. The Claimants shall have permission to amend the Amended Claim Forms in the Proceedings in the forms provided to the Tribunal on 22 December 2022. Permission to amend is being granted without substantive consideration by the Tribunal to reflect the Claimants’ right to amend the Amended Claim Forms prior to service without permission pursuant to the CPR. The Tribunal considers the Claimants’ rights in this regard should not be prejudiced by the transfer of the Proceedings to the Tribunal pursuant to the Transfer Order.
2. The Claimants may serve unsealed versions of the Re-Amended Claim Forms on the Defendants and such service of unsealed Re-Amended Claim Forms shall constitute valid service.
3. Paragraphs 1 and 2 are made without prejudice to the Defendants’ right to apply to disallow the amendments pursuant to the Tribunal exercising under its own rules an approach equivalent to CPR r.17.2.
4. There shall be no order as to costs.

**Sir Marcus Smith**

President of the Competition Appeal Tribunal

Made: 23 December 2022

Drawn: 23 December 2022