



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1513/5/7/22 (T)

BETWEEN:

BSCL REALISATIONS LIMITED (IN ADMINISTRATION) AND OTHERS

Claimants

- v -

(1) MASTERCARD INCORPORATED
(2) MASTERCARD INTERNATIONAL INCORPORATED
(3) MASTERCARD EUROPE SA

Mastercard Defendants

- and -

(4) VISA EUROPE SERVICES LLC
(5) VISA EUROPE LIMITED
(6) VISA UK LIMITED

Visa Defendants

ORDER

UPON the Claimants having commenced High Court proceedings by way of a Part 7 Claim Form on 15 May 2017 (the “Proceedings”)

AND UPON the Order of the Chancellor of the High Court dated 7 April 2022 (as amended pursuant to the slip rule) transferring the cases listed in the schedule to that order to the Competition Appeal Tribunal (the “Tribunal”), including these Proceedings (the “Transfer Order”)

AND UPON the Order of the Tribunal dated 4 July 2022 establishing the Merchant Interchange Fee Umbrella Proceedings with claim number 1517/11/7/22 (UM) (the “Umbrella Proceedings”) and designating these Proceedings as a Host Case within the Umbrella Proceedings

AND UPON the Order of the Tribunal dated 2 December 2022 extending time for service of the Claim Form in these Proceedings until 31 March 2023

AND UPON the Orders of the Tribunal dated 30 March 2023 and 21 April 2023 further extending time for service of the Claim Form in these Proceedings until 31 May 2023 (“Time Extension Order”)

AND UPON reading the letter from the solicitors for the Claimants to the Tribunal dated 26 May 2023 noting that the Claimants wish to make certain pre-service amendments to their Claim Form

AND UPON the Claimants filing a Claim Form with the Tribunal showing those amendments on 30 May 2023

AND HAVING REGARD TO the Civil Procedure Rules (“CPR”) in relation to amendments prior to service of the Claim Form, specifically CPR 17.1(1) and CPR 19.4(1)

IT IS ORDERED THAT:

1. The Claimants are granted permission to amend the Claim Form in the form provided to the Tribunal on 30 May 2023. Permission to amend is being granted without substantive consideration by the Tribunal to reflect the Claimants’ right to amend the Claim Form 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 an unsealed version of the Claim Form on the Defendants, as amended pursuant to the terms of this Order, and such service of the unsealed Claim Form will 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 17.2.
4. Paragraph 1 of the Time Extension Order is varied such that the time for service of the Claimants’ Claim Form is extended until 2 June 2023.
5. Costs in the case.

Sir Marcus Smith
President of the Competition Appeal Tribunal

Made: 31 May 2023
Drawn: 31 May 2023