



Claim Number: CP-2022-000059

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS
OF ENGLAND AND WALES
COMPETITION LIST (ChD)

CP-2022-000059

MASTER KAYE
14 AUGUST 2023

BETWEEN:

- (1) JAGUAR LAND ROVER LTD
- (2) JAGUAR LAND ROVER HOLDINGS LTD

Claimants

and

- (1) DENSO AUTOMOTIVE UK LTD
- (2) DENSO EUROPE BV
- (3) DENSO CORPORATION

Defendants

CONSENT ORDER

UPON the Claimants having issued their Claim Form in the High Court, Chancery Division on 4 November 2022 under Claim No. CP-2022-000059 (the “**Proceedings**”)

AND UPON the Claimants and the Defendants having agreed to the terms of this Order

HAVING REGARD TO Section 16 of the Enterprise Act 2002 (as amended, including by paragraphs 7(3) and (5), 14(2), 15 and 16 of Schedule 4 of the Competition (Amendment etc.) (EU Exit) Regulations 2019) (the “**2002 Act**”) and to 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 Court concluding, in light of all the circumstances of the case, including the wishes of the parties, that it is appropriate to make an order pursuant to Section 16(1) of the

2002 Act in conjunction with Regulation 2 of the 2015 Regulations in respect of the Proceedings

AND UPON noting that the Court may give such directions or make such order as it thinks fit to give effect to the determination of any issue by the Competition Appeal Tribunal (“**CAT**”) Tribunal pursuant to Regulation 2 of the 2015 Regulations.

BY CONSENT

IT IS ORDERED THAT:

1. The Proceedings are hereby transferred to the CAT pursuant to Section 16 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. For the avoidance of doubt:
 - a. Subject to any further order of the CAT, following the transfer of the Proceedings to the CAT, there is no requirement for the parties to file Directions Questionnaires.
 - b. Neither this Order giving effect to the said transfer, nor the transfer itself, are intended to alter, limit or exclude in any respect any element of the Claimants’ claim in this court prior to the transfer taking effect.
 - c. 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 it 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.
 - d. The proceedings were and shall continue to be regarded as having been commenced in this Court. Save to the extent that the Tribunal otherwise directs, any further statements of case or amendments to a statement of case shall be made in accordance with the Civil Procedure Rules and the Chancery Guide, and not with the Competition Appeal Tribunal Rules 2015 (or any other rules or practice direction applicable in the Tribunal).
 - e. Any appeal to the Court of Appeal against the determination by the Tribunal of the issues transferred or an order of the Court giving effect to that determination

shall be treated for all purposes as an appeal from a judgment of this Court and, accordingly, shall be governed by the rules in CPR Part 52.

- f. 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 such element as referred to above.
5. The Defendants shall serve this Order on the Claimants.
 6. Costs in the case.

Service of the Order

The Court has provided a sealed copy of this Order to the serving party's solicitors:

Linklaters LLP, One Silk St, London EC2Y 8HQ.

Ref: Tom Cassels / Tom Kent