



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1404/7/7/21

BETWEEN:

DAVID COURTNEY BOYLE

Class Representative

- v -

(1) GOVIA THAMESLINK LIMITED
(2) THE GO-AHEAD GROUP LIMITED
(3) KEOLIS (UK) LIMITED

Defendants

- and -

SECRETARY OF STATE FOR TRANSPORT

Intervener

ORDER

UPON the Competition Appeal Tribunal (the “**Tribunal**”) having made a collective proceedings order (“**CPO**”) on 5 October 2022

AND UPON the Class Representative’s applications of 10 January 2025 dealing with loss of flexibility (“**Loss of Flexibility Application**”) and anti-competitive effects (“**Effects Application**”) and to add persons who satisfied the class definition contained within the CPO after the date of issue of the collective proceedings on 10 June 2021 (“**Class Definition Application**”)

AND UPON the Defendants' application of 4 February 2025 for their costs of and occasioned by the Loss of Flexibility Application, the Effects Application and the Class Definition Application

AND UPON the Tribunal's ruling of 6 March 2025 refusing the Class Representative's applications to amend his collective proceedings claim form to include the Loss of Flexibility Application and the Effects Claim Application

AND UPON the Tribunal hearing Leading Counsel for the Parties at a case management conference on 26-27 March 2025

AND UPON the Tribunal's reasoned ruling dated 26 March 2025 awarding the Defendants an interim payment of the costs of and occasioned by the Loss of Flexibility Application, the Effects Application and the Class Definition Application

IT IS ORDERED THAT:

1. The Class Representative shall pay the Defendants' costs of and occasioned by the Loss of Flexibility Application, the Effects Application and the amendments made consequential to the Class Definition Application, such costs to be subject to detailed assessment.
2. The Class Representative shall bear his own costs of and occasioned by the Loss of Flexibility Application, the Effects Application and the Class Definition Application.
3. The Class Representative shall make a payment on account under Rule 104(2) of the Tribunal Rules of the Defendants' costs of and occasioned by the Loss of Flexibility Application, the Effects Application and the amendments made consequential to the Class Definition Application in the amount of £250,000, to be paid within 28 days of this Order.

The Honourable Mr Justice Miles
Chair of the Competition Appeal Tribunal

Made: 7 May 2025
Drawn: 7 May 2025