



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1634/7/7/24

BETWEEN:

MR DAVID ALEXANDER DE HORNE ROWNTREE

Proposed Classed Representative /
Appellant

- v -

(1) PERFORMING RIGHT SOCIETY LIMITED
(2) PRS FOR MUSIC LIMITED

Proposed Defendants /
Respondents

REASONED ORDER (PERMISSION TO APPEAL)

UPON the Collective Proceedings Claim Form and application by the Proposed Class Representative (“**PCR**”) for a collective proceedings order dated 28 February 2024, and accompanying documents (the “**CPO Application**”)

AND UPON the hearing of the CPO Application held on 12-13 February 2025 and 16 June 2025

AND UPON the Tribunal’s Judgment dated 27 August 2025 ([2025] CAT 49) which struck out and summarily dismissed the CPO Application, and refused certification (the “**CPO Judgment**”)

AND UPON the PCR having filed an application on 17 September 2025 seeking permission to appeal the CPO Judgment (the “**PTA Application**”)

AND UPON the Proposed Defendants having filed a response to the PTA Application on 10 October 2025

AND HAVING REGARD TO the power of the Tribunal under Rules 107 and 108 of the Competition Appeal Tribunal Rules 2015, the Competition Appeal Tribunal Guide to

Proceedings paragraph 8.28, the test for permission to appeal in CPR 52.6, and section 49(2)(b) of the Competition Act 1998

IT IS ORDERED THAT:

1. The PCR's PTA Application is granted.

REASONS:

1. The PCR's PTA Application is made on two grounds, namely that in striking out/summarily dismissing the claim and refusing certification the Tribunal committed two errors of law in deciding that:
 - (a) **Ground 1:** the claim had no reasonable prospects of success on the basis that the class was not drawn to describe those who were "owed" Black Box royalties, and that as a result the members of the class lacked a "common feature of being 'owed'"; and
 - (b) **Ground 2:** there were no coherent reasons supporting the allegation that it was unfair and abusive for the PRS not to pay the members of the class a greater proportion of the royalties.
2. We are unanimously of the view that permission to appeal should be granted. The questions raised by the PCR relating to the way the tribunal has approached the description of the class, and the nature of the abuse, raise questions of law upon which the PCR has reasonable prospects of success.

Justin Turner KC
Chair

Professor David Ulph CBE

Hugh Kelly

Made: 22 October 2025
Drawn: 22 October 2025