



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1634/7/7/24

BETWEEN:

MR DAVID ALEXANDER DE HORNE ROWNTREE

Proposed Class Representative

- and -

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

Proposed Defendants

REASONED ORDER (COSTS)

UPON the application by the Proposed Class Representative (**PCR**) for a collective proceedings order (the **CPO Application**) dated 28 February 2024

AND UPON the Tribunal delivering its written judgment on the CPO Application on 27 August 2025 ([2025] CAT 49) (the **CPO Judgment**)

AND UPON the applications relating to costs made by the Proposed Defendants on 16 January 2026 (the **Costs Application**) and 13 February 2026

AND UPON the Tribunal having delivered its judgment on the Costs Application dated 16 March 2026 ([2026] CAT 25)

AND UPON the submissions of the PCR dated 30 March 2026 seeking his costs occasioned by the Costs Application

AND UPON the submissions of the Proposed Defendants dated 13 April 2026 responding to the PCR and seeking their costs occasioned by the Costs Application

AND UPON the PCR's reply submissions dated 20 April 2026

IT IS ORDERED THAT:

1. There shall be no order as to costs relating to the Costs Application.

REASONS

1. By the CPO Judgment the Tribunal refused to grant the PCR's CPO Application and instead granted reverse summary judgment and struck out the PCR's claim. Following this, on 16 January 2026, the Proposed Defendants sought their costs as per the Costs Application. The Proposed Defendants' total costs were £2.6 million excluding VAT which they claimed on an indemnity basis. The PCR accepted he was liable for costs following the CPO Judgment. On the Costs Application the PCR: (i) unsuccessfully contended that costs should be disallowed in respect of certain discrete issues; (ii) successfully resisted that costs should be awarded on an indemnity basis; and (iii) successfully resisted interest on costs.
2. On 16 March 2026, the Tribunal summarily assessed the Proposed Defendants' costs on the standard basis at £750,000 plus VAT. This represented a material reduction on the costs sought by the Proposed Defendants. I now have to consider the costs of the Costs Application.
3. The PCR sought his costs of £174,659.10, this being claimed on the standard basis for work completed from 14 September 2025 to 21 December 2025 and then on an indemnity basis for work completed from 22 December 2025. The justification for indemnity costs is said to be that on 22 December 2025 the Proposed Defendants rejected the PCR's offer to make an interim payment in respect of costs on account of £780,000 (excluding VAT).
4. The Proposed Defendants sought their costs of the Costs Application in the sum of £75,000.
5. In a number of cases (although not invariably) the costs of costs applications have been treated as costs of the action: see for example *London Array v Nexans France* [2026] CAT 16, §56.
6. The Tribunal considers that this is the appropriate starting point in this case. Furthermore the PCR was not successful in obtaining the deductions in respect

of the specific issues which he sought. Nevertheless, the success in reducing the overall costs award, combined with the offer of a payment on account of £780,000 plus VAT, are material factors to which I have regard. The Proposed Defendants submit that had that offer been accepted that would not have disposed of the Costs Application because there would in any event have been further argument and with costs nevertheless going to assessment. It is not clear to me that that is the correct analysis. It seems plausible that had that payment on account been accepted there was scope for settlement of costs and a hearing might have been avoided.

7. Taking these matters in the round, I consider that the appropriate order is that there be no order as to costs in respect of the Costs Application.

Justin Turner KC
Chair of the Competition Appeal Tribunal

Made: 27 May 2026
Drawn: 27 May 2026