



**IN THE COMPETITION APPEAL
TRIBUNAL**

Case No 1404/7/7/21

BETWEEN:

DAVID COURTNEY BOYLE

Late Class Representative

- v -

(1) GOVIA THAMESLINK RAILWAY 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**”) on 25 July 2022 granting the Late Class Representative’s application for a collective proceedings order pursuant to section 47B of the Competition Act 1998 and Rule 75 of the Competition Appeal Tribunal Rules 2015 (S.I. 2015 No. 1648)

AND UPON the Tribunal having made a collective proceedings order on 5 October 2022

AND UPON the Late Class Representative’s solicitors, Maitland Walker LLP (“**MW**”), having informed the Tribunal and the Parties of the Late Class Representative’s death on 23 June 2025

AND UPON the letter from MW dated 10 October 2025 informing the Tribunal that a proposed replacement class representative, Mr Walter Hugh Merricks CBE (**“Mr Merricks”**), had been identified and would be submitting an application for authorisation as replacement class representative in due course

AND UPON Mr Merricks notifying the Defendants, the Intervener and the Tribunal on 29 January 2026 that he did not intend to pursue his proposed application for authorisation (the **“Proposed Authorisation Application”**) as replacement class representative

AND UPON the costs applications filed by the Defendants (the **“Defendants’ Costs Application”**) and the Late Class Representative’s Estate (the **“Estate’s Costs Application”**) against Mr Merricks and/or LCM Funding UK Ltd (**“LCM”**) dated 16 March 2026

AND UPON hearing counsel for the Late Class Representative’s Estate (the **“Estate”**), leading counsel for Mr Merricks, leading counsel for the Defendants and counsel for the Intervener at a hearing on 15 April 2026

AND UPON the Tribunal’s reasoned costs judgment dated 12 May 2026 (the **“Costs Judgment”**)

IT IS ORDERED THAT:

1. Pursuant to paragraph 75 of the Costs Judgment, Mr Merricks shall pay the Defendants’ costs of and occasioned by the Proposed Authorisation Application, less a reduction of £11,000 to reflect the costs that would inevitably have been incurred as a result of any application made by a proposed replacement class representative, such costs to be subject to detailed assessment on the standard basis if not agreed.
2. Mr Merricks shall pay the Estate’s costs of and occasioned by the Proposed Authorisation Application, such costs to be assessed on the standard basis if not agreed.
3. Mr Merricks shall make a payment on account under Rule 104(2) of the Tribunal Rules of the Defendants’ costs of and occasioned by the Proposed Authorisation Application in the amount of £45,000, to be paid within 28 days of this Order.
4. Mr Merricks shall make a payment on account under Rule 104(2) of the Tribunal Rules of the Estate’s costs referable to the involvement of Mr Merricks in the amount of £30,000, to be paid within 28 days of this Order.

5. Determination of the Defendants' costs of and occasioned by engaging with LCM regarding the funding arrangements in place in these proceedings, and the costs of the Defendants' Costs Application and the Estate's Costs Application are deferred.

The Honourable Mr Justice Butcher
Chair of the Competition Appeal Tribunal

Made: 29 May 2026
Drawn: 29 May 2026