This Transcript has not been proof read or corrected. It is a working tool for the Tribunal for use in preparing its judgment. It will be placed on the Tribunal Website for readers to see how matters were conducted at the public hearing of these proceedings and is not to be relied on or cited in the context of any other proceedings. The Tribunal's judgment in this matter will be the final and definitive record.

IN THE COMPETITION APPEAL TRIBUNAL

CaseNo: 1339/7/7/20

Salisbury Square House
8 Salisbury Square
London EC4Y 8AP

Thursday 17th September 2026

Before:

Hodge Malek KC

(Sitting as a Tribunal in England and Wales)

Mark McLaren Class Representatives Limited

Class Representative

V

MOL (Europe Africa) Limited and Others

Defendants

A P P E A R AN C E S

Sarah Ford KC and Sarah O'Keeffe on behalf of the Class Representative (Instructed by Scott & Scott)

Mark Brealey KC on behalf of the sixth to eleventh Defendants (Instructed by Baker Botts)

Simon Teasdale on behalf of the Funders (Woodsford)

Digital Transcription by Epiq Europe Ltd
Lower Ground, 46 Chancery Lane, London, WC2A 1JE
Tel No: 020 7404 1400
Email: ukclient@epiqglobal.co.uk

Thursday, 17 September 2026

(10.30 am)

(Hearing delayed)

(10.40 am)

Housekeeping

THE CHAIR: Some of you are joining us via live stream on our website, so I must therefore give the customary warning: an official recording is being made and an authorised transcript will be produced, but it's strictly prohibited for anyone else to make an unauthorised recording, whether audio or visual, of the proceedings and a breach of that provision is punishable as a contempt of court. Any order arising from today will be on the website, as will be the ruling that will be made today.

Cast of thousands again.

MS FORD: Sir, indeed. I can do the introductions. I appear with Mr Gibson KC and Ms O'Keeffe for the class representative.

THE CHAIR: Yes.

MS FORD: Mr Brealey KC appears for WWL, EUKOR, and Mr Teasdale appears for the litigation funder, Woodsford.

THE CHAIR: Okay, that's fine. Where we are is that you sent through the draft distribution plan?

MS FORD: Yes.

THE CHAIR: I made some comments. It then came back in the form of this distribution plan. The purpose of today is to finalise this distribution plan so when I make the order next week, it will append the final version of the distribution plan. Someone needs to sort of follow this, make sure that any changes we make today are reflected in a version that hopefully can be produced -- that's hopefully -- Monday or Tuesday.

If we look at the timings, probably we can get a ruling to you tomorrow in draft. You come back with any sort of typos in the normal way, same time you come back with the draft amended distribution plan with the changes highlighted, and then fairly soon after that, we can issue the ruling and the approved distribution plan.

MS FORD: Sir, yes.

THE CHAIR: What we'll do is we'll go through the distribution plan, the bits that I've got queries on. If I don't touch a paragraph, it just means it's agreed and understood. There will be a point where we're going to have to deal with -- and probably fairly early -- this whole concept of how much per vehicle, particularly for the seven pluses. Because I've already indicated that I think. At that point, I think counsel for the defendants will want to say something in order to say, "Actually the figures should be different, and the figure for the individual's first vehicle should be lower than 25". I'll have to come to a landing on that.

Should we go through it? I will want to look at the notice for class members, ie the distribution notice, if anyone's got that. We'll do that probably once we've been through this document.

MS FORD: Sir, I'm sure that can be done. I'm just wondering whether it is in the bundle or where it is, but we can certainly --

THE CHAIR: We'll deal with it today, but if someone can just get it for when we get there.

MS FORD: I'm told, actually, I don't think one has been drafted. What has been drafted is a notice of today's hearing which has already been produced.

THE CHAIR: Yes.

MS FORD: But I don't think at this stage we have a notice concerning the distribution plan itself. (Pause)

The intended position was that the outreach to consumers would be part of the general noticing plans that are dealt with in the distribution plan. So it hadn't been envisaged that there would be a separate notice as such. But should the tribunal wish to have one, I'm sure we can produce one.

THE CHAIR: I think probably it would be a good idea to have a separate notice, and that can also go on our website that we have. That notice will be available, you can see it on our website so if anyone's got any concern about it, they can at least see our notice as well as any order that we make on our website.

Okay, so the first big issue is about the £25. My view is that in relation to the £25, that is a sensible figure, and that for cars 2 to 5, the figure that you've got, which is £25, is less than the estimated actual loss on those. But then it all irons itself out. So if you've got four cars, you'll get £25 plus £15, you'll get £40. So it's not a problem, I'm happy with that proposal. But I think we should hear from whoever's against that to say why that figure should be changed.

Really, you've got the short straw. Look, I've got a lot of experience in this, in what's happened in the past -- Boundary Fares has sort of coloured everything. As you can imagine, when you're talking about relatively small sums of money, people don't tend to bother to fill out the form. If the first headline figure is £15, I think that the problem you're going to find is that people won't -- it's going to be a real deterrence to how it is.

We went through all this on Boundary Fares, where I was being told, "You're going to get a take-up of ten per cent and this bit and that bit", and I said at the hearing: that's just it's just not going to happen. Here, we've got a situation where we're being told that the take-up is going to be, hopefully, at the levels as indicated. But when I look at the levels, I can see there's a huge range of outcomes, and I'm not as optimistic -- or pessimistic, whichever way you want to look at it -- that the amounts of claims coming in are going to be as per the table we've been looking at, as such that if we don't do anything to what we've already got, I think there is a significant risk of a very large amount of unclaimed funds for the class members.

So for me -- I've obviously read your note and everything -- but the two points that I'm looking at is: one, what's the headline figure for people when they look at it, and you say it should be £15 and I say a minimum of £25, and I can see why £25 works.

The other figure you look at is what is the actual loss for these people, not the pro rata loss, because that all depends on how many people actually claim. But if you've got a loss of, let's say £10 per vehicle, and you claim and there's enough money for it, then they should get £10 per vehicle. I don't think you really dispute that from what I can see.

You also agree that we're all trying to get the maximum take up of actual damages. You don't want people to be overcompensated to a substantial degree, but those are the things that are going on in my mind at the moment, Mr Brealey, and it's really helpful to have a note from your side because it's a sort of sanity check of what we're doing.

Submissions by MR BREALEY

MR BREALEY: Clearly, as that note says, everything that you have just said, we agree with, bar whether the £25 --

THE CHAIR: Yes, exactly. I can see that, yes.

MR BREALEY: And in a nutshell, the only reason that we are here is that we believe that the £6.5 million deferred damages, which I'll take you to -- so there is -- you obviously know that.

THE CHAIR: Yes. Don't worry -- yes.

MR BREALEY: The £6.5 million deferred damages, which is a contingency --

THE CHAIR: You've got a potential interest in that.

MR BREALEY: Yes.

THE CHAIR: You do have an interest depending on the level of take-up.

MR BREALEY: That is being used to overcompensate the class.

THE CHAIR: Well, it depends.

MR BREALEY: Yes.

THE CHAIR: If you've got only one vehicle, which isn't necessarily typical, because the claim period is so big.

MR BREALEY: Yes.

THE CHAIR: Then someone who's going to put in a claim for £25, on one view, is going to be overcompensated. That's all you've got, okay? On the other hand, if you've got four, you're not going to be overcompensated, because the figure for car two, three, four and five is much, much lower.

MR BREALEY: Yes.

THE CHAIR: The figure is lower than the actual loss for those vehicles. So I can see that if you've got someone with only one vehicle, which is clearly not the majority, then they're going to be overcompensated in one sense. But against that, you've got two things: one is that those people have been using up their time to fill out all of this, and everyone's time is worth something -- just the hassle of filling out the form, you can say, "Well, they're being compensated for their time just to do that", because £25 now is, you know, it's not going to get you more than four beers, if you're lucky. It's not a huge figure.

If you start off and saying, "Well, the headline figure is £15", depending on which pub you go to, you know, that may only be a couple of beers. So it's not the most attractive thing to say, on your headline figure, that it's going to be £15. The problem we had in Boundary Fares was that it was something like £5 a journey, but you could self-certify up to six journeys, which is £30. People are not going to have all their tickets and travel information going back years, so people tended, if they were going to put in a claim, "Well, I did this journey six times, I'm going to get my £30". But even that was not enough. You know, what we got back was even worse than I thought it was going to be.

MR BREALEY: Yes, I --

THE CHAIR: And I wasn't optimistic at all. On this one, I've been through everything. I've looked at all the reports and all the work they've done. Despite that, I do think the take-up may not be as good as the middle figures that they're using in the range that they've given. I think it's going to be at the lower end. I may be wrong. I really may be wrong, I appreciate that, but I've read a lot of stuff on this and you get a feel after a while as to where you think this is going. It's not straightforward. That's why they spent so much money doing all this research.

MR BREALEY: But there has been -- it's obviously been very carefully thought out.

THE CHAIR: They've done a lot of work, yes.

MR BREALEY: And we don't want to -- but we do say there are a couple of flaws in the plan.

THE CHAIR: Yes.

MR BREALEY: If I can just start with your problem: is it £15 or £25?

THE CHAIR: That seems to be the key one you're worried about, yes.

MR BREALEY: Well, also -- that is the key one. The other one is: the plan goes straight for, essentially, the whole damages. That's, in our settlement, the --

THE CHAIR: Well, it should do as long as it's not an exaggeration of the actual loss.

MR BREALEY: Well, that's not how it was supposed to work, and that's why I --

THE CHAIR: Why?

MR BREALEY: Well, because what was supposed to work was that the PCR was supposed to seek to distribute the damages pot --

THE CHAIR: It is, yes.

MR BREALEY: -- which excluded the deferred damages, and only if there was a higher take-up than was envisaged would the PCR call on the deferred damages.

THE CHAIR: Mr Brealey, if that's your point, you're not going to get very far. I approved all of the --

MR BREALEY: Yes.

THE CHAIR: There was no proper assessment of the likely take-up. The whole idea was that it was going to be a guaranteed element, whatever happened, that was paid out one way or another, (inaudible) come back to you. There was more to cover if the take-up was above a certain figure. It was never in my mind that I thought that the take-up was going to be limited to the guaranteed sum; it was always understood that no one really knew what the figure was going to be.

Now, you know, a year down the line, we still don't know. They say they've got a good idea. They may be right, but I don't think -- I'm not convinced they're right. We're going through this with Ms Ford later, but when it comes to your point, I understand you've got an interest.

If there was a question of you being prejudiced by the fact that enormous sums are going out to people, way above their actual loss, eating into your pot, I can see that. But the way it's been structured, I don't believe that's how it works, because, as I said, a lot of these consumers are going to have more than one car. So it's not just a question of just getting £25. If you've got four cars, you're going to get £40, and that £40 is actually lower than the estimated actual loss they would have suffered.

MR BREALEY: Well, if I can just take the consumers first then.

THE CHAIR: Yes, let's look at the consumers.

MR BREALEY: The plan deals with consumers and then benefits.

THE CHAIR: Yes.

MR BREALEY: All we can do is go on the evidence in the plan. If we go to the hearing bundle.

THE CHAIR: We're looking at the distribution plan.

MR BREALEY: Yes, the distribution plan.

THE CHAIR: Just tell me which paragraph and we'll go through it.

MR BREALEY: The paragraph is paragraph 91.

THE CHAIR: Okay.

MR BREALEY: Which is my page 42.

THE CHAIR: Yes. Obviously I'll be going through this but, yes. Okay. But you want to argue your point of principle?

MR BREALEY: It should be tackled.

THE CHAIR: Yes.

MR BREALEY: This goes straight to your point about take-up. If we look at paragraph 91, paragraph 91, as we understand it, is the best evidence put forward to the tribunal of consumers' willingness to claim. We see there at 91, the following take-up rates:

"Self-reported: 10.2% for £15, 10.4% for £25, and 10.8% for £35 ..."

Now, the simple point that we make now, and in the letter is that the evidence shows that there is no reason to pay that £25 (inaudible) a first vehicle to the consumer because the evidence is there is no meaningful increase in take-up rate if it is 25 as opposed to 15. In other words --

THE CHAIR: But look, Mr Brealey, I look at the evidence I've been given.

MR BREALEY: Yes.

THE CHAIR: It doesn't mean I agree with it. It doesn't mean that I think this is right. What I think of this is that when you have these surveys and you've actually approached someone, they're always going to exaggerate the amount that they're going to -- their positions. If you say, look, "If I'm going to offer you £15, are you going to take it?", and someone said, "Well, yes, we will do". That's completely different from what's going to happen in the real world, and what people have been looking at is what that headline figure is. If that headline figure is so low, given the experience we've had in Boundary Fares, that we know that the headline figure there didn't work.

MR BREALEY: Yes.

THE CHAIR: You're proposing effectively a headline figure of 50 per cent of what we had in McLaren. That was a disaster. So I don't think you're right on that. I've got other things to do, Mr Brealey.

MR BREALEY: Well.

THE CHAIR: It's only a half-day hearing.

MR BREALEY: No, okay. So --

THE CHAIR: And you've only been allocated a relatively short period.

MR BREALEY: So that's the first point.

THE CHAIR: So I'm against you on that.

MR BREALEY: Okay. So the second point then is on fleets. You've mentioned four cars, but clearly if one goes to the evidence, which you will have seen, on page 104. These are engaged class members' fleets. Now, is it really necessary to give a fleet manager £25 for the first car which, on any view, overcompensates the fleet manager.

THE CHAIR: No, because the fleet manager -- if you've got a fleet, it may have a thousand cars.

MR BREALEY: Yes.

THE CHAIR: Okay. He's not being paid, at least initially, his actual loss on all these vehicles. So of course it's really going to iron out pretty rapidly because he's going to get £25 but in the scheme of things, it's nothing compared to if he's got 1,000 cars. It's just going to disappear.

MR BREALEY: Yes.

THE CHAIR: But then, at the moment, he's going to get substantially less than his actual loss per vehicle. At the moment, that's what's going to happen. That's why, when we come to this, and we do need to get on, is that you'll find that at £2.50 a car, that's way below their estimated actual loss. They're losing out on the scheme as currently drafted in a big way. That's the fundamental problem with your position, which is that when it comes to fleets, at the moment they're going to get way less than their actual loss.

MR BREALEY: Well, it depends what the actual loss is. In the letter it says £2.16 for fleets, so if it's --

THE CHAIR: No, that's the pro rata.

MR BREALEY: Pro rata.

THE CHAIR: It's pro rata, so you've reduced it.

MR BREALEY: If it's £5.

THE CHAIR: If their actual loss is let's say £5.20 or whatever it is, and they're only going to be paid £2.50 a vehicle, they're going to be substantially under-compensated. They are. Mr Brealey, thanks very much for coming.

MR BREALEY: Okay.

THE CHAIR: I really have to get on. There's a lot of stuff.

MR BREALEY: I'm sorry to have taken up your time.

THE CHAIR: It's always good to hear, and it's good to have a sanity check. Obviously, I read everything you said and I tested it in my own mind, and I have got clear views of where we are on all of this. I'm not as optimistic as the middle figures being given by the class representative.

MR BREALEY: We did come to the court based on the evidence and the difference between 15 and 25.

THE CHAIR: I don't think it's a huge amount. I understand the point that when you look at what people have said in the survey that it doesn't really move the dial very much.

MR BREALEY: No.

THE CHAIR: I understand that.

MR BREALEY: Yes.

THE CHAIR: Ms Ford.

Submissions by MS FORD

MS FORD: Sir. I'm by no means arguing against the conclusion the tribunal has expressed, but I did want to ensure there's no lack of clarity about the numbers that have been advanced.

THE CHAIR: Okay. Let's have a look at the numbers. Take me through the numbers. Let's look at the schedule you put in the middle of this. Let's find that schedule.

MS FORD: I actually had in mind if we could look, please, at paragraph 15, which is on page 13 of the bundle. This goes to the tribunal's --

THE CHAIR: Yes, but we'll come to that. Do you want to do it now, or?

MS FORD: Well, I'm simply concerned to ensure that nobody's proceeding on a false premise as to what the numbers are.

THE CHAIR: Okay.

MS FORD: Paragraph 15. So there are two sets of numbers. The first are the estimated average overcharge per vehicle, which has been derived from the total claim value which was pursued at trial.

THE CHAIR: Yes.

MS FORD: Obviously, there was no ultimate determination about what was the compensatory result. So I would just express a note of caution about suggesting that if one comes in under those figures, that, by definition, would be under-compensation.

THE CHAIR: But what you can't say is that when you look at the £5.03 figure, that's evidently overcompensating.

MS FORD: We absolutely --

THE CHAIR: That has never been determined.

MS FORD: Indeed.

THE CHAIR: But it is a fair estimate of what their loss is.

MS FORD: It is the estimate that is based on the total claim value that we advanced at trial. I'm simply ensuring the tribunal understands the origin of the figures.

THE CHAIR: At trial, you had, in my view, a very compelling case. It's thought that from the very beginning, and that hasn't changed at all. I think that it is possible that figure could have come out lower, but not substantially lower. You had a strong case, and the settlement that you've reached was a fair settlement, for the reasons we went through. And that Mr Brealey's clients, in my view, had done well to have settled at the figures that you did. And that had they not settled, they'd have gone to trial, they probably would have ended up paying more, either by settlement, as with the defendants who still were there at trial, or by an order of the tribunal.

So I think that, you know, if I was your client, I'd be happy that in retrospect my team had done a good job because you'd settled it at a good figure. You know, that's why I'm not that sympathetic about you getting the money back, any money back, because you've done a good settlement. When you look at the figures, you've done well. So yes, I understand all that. Is that. Is that okay; can we just go --

MS FORD: Sir, yes. It was just concern to ensure the tribunal wasn't proceeding on a misapprehension.

THE CHAIR: There's no misapprehension.

MS FORD: Then, of course, the tribunal fully apprehends that when we refer to the prorated amount, what we have done is reflect the difference between the estimated total aggregate claim value and the settlement pot that is then available for distribution. That's the origin of the £5.36 for consumers and the £2.16 for corporate entities.

THE CHAIR: I understand that, I fully appreciate that.

MS FORD: I'm grateful.

THE CHAIR: A couple of things. You can't accuse whoever's drafted this document of being unclear.

MS FORD: Absolutely not.

THE CHAIR: You know, it's a pretty clear, easy-to-read document, that I think, you know, sets out things pretty well. Okay, so look, on that though, let's just finish it off. What I'm going to do is, subject to you arguing it a bit further, is in relation to that figure or the seven plus category is that I'll keep for now the 250, but with the ability of a top-up. You'll have all the banking details, all the payment details, from that way round, so it's not going to be a huge job to do that. That way, if the take-up is low, they're going to be compensated more. But also, at least they know that there is a guaranteed sum of 250 because I think you're right in the report where you say it's not ideal to have a provision whereby they don't know what they're going to get. They need to know that they're going to get the £2.50 a vehicle and they may get more. So I think that that's where we are on that. And it may be that we will look at these things again and what the progress is after month 3.

What I envisage we will do is that the CR's representative who's got the overall responsibility of the distribution process, he's going to do a monthly report. So that will come, I'll read it. Any comments I'll send back in writing.

MS FORD: Yes.

THE CHAIR: When it comes to the report on month 3, I will probably want to have a short hearing. We've got the report on month 3, to go through it, see what the direction is, what changes we may need to make to the distribution plan, where we are. Because we will need to deal with the CFD application at some stage, and I don't want to have that done before I've had that midway point. Because I want to know roughly where we're going and how successful this is before I have the CFD final hearing. Because the amount of take-up is going to be relevant. I want to know how much we're playing with when we have that hearing. So that's how I envisage we're going to be going from here.

So it'll be a monthly report (inaudible), the three-monthly report, a short hearing, probably only need maybe an hour. That can probably be done on a remote basis. I don't need the cast of thousands on that. It's a relatively informal exercise of going through the three-monthly report: what proposals there are, what's working, what's not working. I agree with the idea being offered that at the end of the process, I think your solicitors can report lessons learnt.

The reason why I've been willing to allow so much money to be spent on this distribution plan, the work you're doing, the whole process, is that we need to learn whatever lessons there are. We're not sure what will work.

So for example, the Nectar proposal. It may work, I don't know. It may be a great success. It may not be. That is worth, that type of information is (inaudible). We can see the process because we went through Gutmann and the solicitor on that has been very helpful in sharing with you what he's learnt, and hopefully your solicitor will pass that mantle on once he's finished his process to whoever is next in line for a distribution payment. That's why, you know, I'm not too tough on the figures because I understand where that's all coming (inaudible).

But we've been through -- so you've got my comments really on that paragraph. So it's really paragraph 1.6 --

MS FORD: Sir, just before you move on --

THE CHAIR: -- where you've got my -- where I think we are on that. You've got the whole analysis that you've got, which is fine to have that analysis there, but then you need to put in somewhere that I'm ordering is in respect of the, loosely call, the corporates, which is seven plus. It's going to be £2.50 with the ability for it to be more, depending on how the whole thing --

MS FORD: If I may interject there the tribunal have seen paragraph 171 of the distribution plan. We did flag up the possibility of a top-up distribution if take-up was significantly lower than expected.

THE CHAIR: Yes, we'll come to that in a minute.

MS FORD: That possibility is there. One factor to bear in mind that will need to be weighed up as to whether that possibility is taken up: first of all, we didn't pursue it at the time because it wasn't foreseen in the settlements. That's what's recorded in 171.

THE CHAIR: It's being pursued now.

MS FORD: The second point is the additional cost of administering a top-up distribution.

THE CHAIR: I understand that.

MS FORD: So that is a factor as to whether that needs to be taken into account in determining whether or not it happens.

Certainly at present we don't anticipate it will be necessary in relation to the particular scenario that the tribunal has identified, and that's for two reasons: the first is that the present amount of £2.50 per vehicle is higher than the prorated per vehicle compensation amount that corporate entities would be entitled to recover, and so in our submission, there's --

THE CHAIR: That's only prorated because of the size of the available pot?

MS FORD: That is the reason.

THE CHAIR: Not prorated because that doesn't represent their actual loss. Their actual loss may be £5.12.

MS FORD: Well, we haven't had a determination.

THE CHAIR: That all then depends on the level of take-up because if you have a much higher take-up than envisaged, that money's going to run out. That's why you need to have a basis whereby everyone's encouraged to put their claims in sooner rather than later, which is probably a good thing, because you've got to realise that this is like a -- it's a depletion basis. It's like a gas reservoir where everyone knows that, you know, you stop taking your bid at the gas, you may -- there's going to be none left and you haven't got your fair share of it.

MS FORD: Sir, yes, that's absolutely right.

The reason why it's important to focus on the prorated amounts is both that we are attempting to balance essentially the two levers that one can pull the amount per vehicle and the take-up rate in order to ensure that the maximum number of people can come forward and claim their share.

THE CHAIR: The problem you've got is that the take-up rate, if it's cast in stone, you know what it is. You do not know what the take-up rate is. You know what the per vehicle figure is going to be and that if in fact the take-up rate is lower than the median or whatever, you're going to have a substantial shortfall. But unless there is this potential mechanism to award £2.50 people more money, there could be a very substantial (inaudible). That's where the tribunal fits in, because there's an inherent bit of interest. If that non-guaranteed amount is eaten up, then you will say, "Ah, that comes into cost, fees and disbursements". But I'd be pretty reluctant to allow that to happen if in fact I feel that people are being undercompensated because these proceedings are for their benefit.

That's why we're going with this mechanism, £2.50 objective. An additional payment depending on (inaudible). We'll probably make a decision on this if we come to month 3, month 3 interim review or whatever. We just have to see where we are on it. But I'm not going to put into stone what you propose whereby it's £2.50 and that's the end of it, because I'm not as optimistic as your side are as to the actual level of take-up.

There are reasonable views that people can have, and I can see why sometimes people say, "Well, it's going to be halfway through what the anticipated range is", but just because it's halfway through doesn't mean it's the most likely. So that's where we are on that. On

So we've dealt with up to 15, so that needs to be ... now on 18(6), is that interest rate the best you can get?

MS FORD: I'm sorry, sir, could you repeat that?

THE CHAIR: Look, when you look at paragraph 18(6).

MS FORD: Yes. As of 31 August? Am I looking at the wrong --

THE CHAIR: Yes, that's right. It's the interest rate. Is that the best interest rate you can get? Because you're saying that -- the initial one it was low, but I understand why that happened.

It then from 10 June is in the Scott+Scott Mark McLaren class client account subject to a variable interest rate of 1.1 to 1.7, okay? And it's now saying the current rate being offered is 1.45. That still seems fairly low?

MS FORD: I can take instructions on the point. The tribunal will recall that there were various issues finding an account to hold these monies accrued, and there was evidence before the tribunal about that, but I can take instructions on that particular point if the tribunal directs. (Pause)

I'm told that the position is that there is a tension between interest rates and liquidity. The class representative didn't know and doesn't know exactly when they will be required to make payments out of the account. They can't commit not to make payments out of the account, with the consequence that they can't obtain some of the higher interest rates that are available. So the answer to the tribunal's question is yes, bearing in mind that a judgment had to be taken to have sufficient flexibility to be able to make payments out as appropriate.

THE CHAIR: Yes. Okay. I understand that. We took out a whole chunk anyway at the last hearing, like £16 million, and you needed to have the ability to take that out.

MS FORD: Sir, yes --

THE CHAIR: I think insofar as there was a horse, it's bolted, because the fact is once you start distribution, you're going to need to have the liquidity. It's really the period up until the likely distribution phase that probably could have got a higher interest, but I think we are where we are now.

MS FORD: And the tribunal will recall that the tribunal authorised us to take some money out for the purposes of financing distribution, pending receipt of distribution payments from the defendant. So again, there was that circumstance that required us to take sums out.

THE CHAIR: That's all right. So we dealt with that.

Next page I've marked down as page 40. (Pause)

What we need to be satisfied with is that the -- what people have to prove in relation to the seven pluses is not so burdensome that they're not going to claim at all. You refer to paragraph 100. I understand that. And I agree that the proof of purchase will be a significant friction point in the claims process. The question is, have we got the right balance in relation to the seven pluses? But what is imposed here is going to be too burdensome. I just don't -- it's really hard to get your head around to -- trying to make sure you have a verifiable process, avoid the risk of fraud, but not putting people off.

MS FORD: Yes, the tribunal may be aware that there is other information about the envisaged claim process and the level of evidential requirements further on in the distribution plan. So for example, starting at 183 on internal page 74.

THE CHAIR: Yes, I've got queries on that. We'll come to that.

MS FORD: Okay.

THE CHAIR: What I'm flagging is that I agree with the point being made in the last sentence. I'm going to have to take that into account when we get to paragraph 100, have we got the balance right, and is the claim process form going to be too much of a deterrent? But we'll come to that when we get to the relevant paragraph.

Page 52. There's a reference under (4) to Motability and that it says that the precise operational details are still being discussed, and the plan is subject to a final approval by the Motability executive committee at a meeting on 15 September. So the question is two things: I will need to know what the operational details are and what happened at the meeting.

MS FORD: I'll take instructions on those points.

THE CHAIR: Yes. (Pause)

MS FORD: I understand that we'd have to go back to Motability to be in a position to update the tribunal on those points, but we would propose to do that in the revised distribution plan that we submit.

THE CHAIR: That's fine, that's fine as long as it's done, because this way that wording would be changing anyway. Okay. That's fine. (Pause)

Paragraph 152. On the website is, are you envisaging having a copy of the order that we're going to make, which will append the distribution plan on the website?

MS FORD: Yes. I think that is what is envisaged.

THE CHAIR: On the last thing, I've looked into that, and unfortunately, the answer is no, okay? So you can just take that out. Some sort of issue on the IT side means that it's not (audio distortion).

MS FORD: Is it possible to have a link from the tribunal's website to the class representative's claim? That's the point --

THE CHAIR: That's the point. It's that last sentence that has to go.

MS FORD: So the order can be exhibited, but there can't be a direct link?

THE CHAIR: The order will be on the website and you'll be able to see whatever the stamps that we are going to put on it, and it will look nice, official. You, obviously on your website, you can link back to our website so they can see it that way. But what is not possible for whatever reason, it doesn't matter what they are, we can't do it the other way round.

MS FORD: Is the tribunal able to include the address of the website, albeit not hyperlinked, or is it an objection to actually having the address identified?

THE CHAIR: I don't think there's any objection to having the address website -- let me just ... (Pause)

(Several inaudible words) we'll come to probably a bit more detail at 153 at the end, which is the monthly update. We'll have to figure out when are we going to get the first update. Maybe we can do that now. Let's say next week, you should be in a position to go live?

MS FORD: It depends what the tribunal means by "go live". If the tribunal means to begin distributing money, I'm told that --

THE CHAIR: No, just everything ready. The website's done, the notices are all ready and all that sort of stuff. You don't think you're going to be ready? (Pause)

MS FORD: I appreciate the tribunal's not talking about the full "go live" in the sense of opening the window to claim, but there is an amount of work that Epiq need to do in the run-up to that.

THE CHAIR: Yes, exactly. That's what I'm trying to get that date.

MS FORD: Again, perhaps we could provide the tribunal with more detail as to what we envisage happening when, when we update the tribunal.

THE CHAIR: Yes, that's right. The claim period is going to be six months?

MS FORD: Yes.

THE CHAIR: And that six months, when does it start? That's what I'm trying to figure out.

MS FORD: That has yet to be finally determined, but the present estimated time is sometime in November.

THE CHAIR: The whole process starts --

MS FORD: (Inaudible) November.

THE CHAIR: I'm sorry?

MS FORD: I'm told the best case, given the work that needs to be done, is that it would start on 7 November.

THE CHAIR: Okay, you're saying that six-month period will start on 7 November?

MS FORD: That is the best case scenario, yes. It potentially might be in December, depending on how long it takes to get the work done. Again, I envisage that we can give the tribunal much more detail about what does need to be done.

THE CHAIR: Yes, but we do want it to start moving, because I want to deal with the CFD application as early as practicable next year. Your process needs to have three months (inaudible) any hearing.

MS FORD: Yes, certainly we envisage moving as swiftly as reasonably possible, but I'm told that, realistically, we are looking at 7 November as the earliest possible date.

THE CHAIR: Okay, so somewhere in this plan you're going to say it's currently envisaged that the claim window will open in November. I wouldn't put the date. But that may be subject to delay in the tribunal will be updated?

MS FORD: Yes.

THE CHAIR: Okay.

You may need to update 156 on page 661 to reflect what we've said. (Pause)

Same with 164 --.

MS FORD: I'm sorry, sir, I'm not quite following. Paragraph 156?

THE CHAIR: In the light of what we've decided about what the figures are going to be, you may need to have some sort of ...

This analysis -- I understand what you've done, the pro rata figure, but when you go back to look at paragraph 15, which is the relevant paragraph we're amending to reflect what I've decided --

MS FORD: Well, this is simply setting out --

THE CHAIR: Okay, as long as everything is consistent. 15 is the one that's going to have to change. That's what we've decided.

MS FORD: I apologise for not following your reasoning. We are simply setting out in these paragraphs the total aggregate claim value and the effect of prorating that down to the amount of the settlement pot, which I had understood to be consistent with what the tribunal was proposing.

THE CHAIR: Yes, I'm just saying, when we get to this whole section, you're going to have to look at this section and update it in the light of what we've wrought. I'm not necessarily saying you'll need to amend that paragraph, but in this section you're going to have to do things. For example, you talk about the median take-up assumption at 165. That's an assumption, but then say that assumption, it may not necessarily be correct and the tribunal is concerned that the assumption may undercompensate.

I can't draft it for you, you know, it's a question of your team looking at this and amending it in the light of what we've wrought. If this is the approved distribution plan, this is what's been approved. You've got all these ideas about how you get there.

MS FORD: Sir, absolutely, I apologise. It was my lack of understanding of what the tribunal was getting at.

THE CHAIR: It's the same at 164. I'm not going to draft it for you. (Pause)

On 170, I agree with what you've proposed, that distribution ends when the total damages pot is exhausted and it's a first come, first served basis. But when you give the notice or whatever to the class members, make it really clear that's what's happening. This is a big point. It may help you in the sense it may encourage people to put their claims in now, because if you're told, "You've got six months to claim", and they look at it and say, "Oh, I can do it in six months' time or whatever, I'm busy", then you realise, "Actually it may not be there in six months, I want to deal with it today".

MS FORD: Absolutely, yes.

THE CHAIR: The figures in the last sentence of 170, I'll get those, won't I, on the monthly report?

MS FORD: Yes.

THE CHAIR: That'll be reflected, okay. (Pause)

171 is obviously being changed. (Pause)

Yes, this all to 173 is being changed, isn't it? We're now going to have a guaranteed amount of £2.50 plus possible uplift, and the cost of making an additional distribution will have to come out of the relevant pot. We may take the view, when it comes to it, that we're not going to make an additional payment, because we may figure out that there's so little left, it's never going to happen if it's going to cost us £100,000 or whatever the figure is going to be, it may not be worth doing that. But we'll get to this when we have our sort of midterm review. All I'm wanting to make sure at this stage is there's the ability to pay more to the people in the 250 pot, but it's not going to be more than a total amount of £5. (Pause)

Yes, so we're now at 183. The only thing that we're looking at is whether or not, for me anyway, the seven pluses -- the non-fleet -- is what we're proposing too burdensome? Just to explain: let's say I'm a corporate non-fleet, what do I have to produce? What information do I have to get? You tell me what that is, and then I'll tell you whether or not that's too burdensome. I read it. I'm not saying I'm going to reject what you propose, I just need to be sure that this is not going to be a deterrent too far. A lot of things you're balancing into this.

MS FORD: Absolutely. So there are three different possibilities, which in itself is intended to try and provide a degree of flexibility as to what the claimant is able to provide.

THE CHAIR: Exactly, yes.

MS FORD: Those are the ones that are set out at (i), (ii) and (iii). And then --

THE CHAIR: I'm looking at them.

MS FORD: Yes, and then the actual templates that they're then filling in are in appendix 8, and the tribunal can see what they might look like.

THE CHAIR: Let's have a look at that. Data templates. This is what I want to look at, actually, so is this going to be too burdensome?

MS FORD: Behind tab 9 in the bundle.

THE CHAIR: Okay.

MS FORD: They are extraordinarily small to be ...

I assume -- and I'll be corrected if I'm wrong -- that they are in the order that is mentioned in the distribution plan itself.

THE CHAIR: Yes.

MS FORD: So the first possibility being a full data bulk vehicle upload, and then the second possibility being that one uploads the total number of vehicles, broken down by model and make.

THE CHAIR: For example, what happens if they don't have the precise date it was purchased? Does that mean it's going to be rejected on this first one?

MS FORD: I'm told that what's envisaged is that it wouldn't be an automatic "no" if that evidence were not available. The idea would be that the claims administrator, Epiq, would assess the evidence and verify.

THE CHAIR: But the problem you have, okay, is, let's say I've got 50, okay? I'm a small company, I've got 50. Start looking in on this. I look at it, "I don't have the date purchased, I can't fill that in, can't complete the form". Then that's it, you've lost it. I'm just trying to get my head around whether the person who's sitting at his laptop, he looks at this, he's possibly going to get -- the guy with ten cars -- possibly going to get £50, maybe £100, I don't know. It's not a huge amount of money. Then he's going to look at this and think, "I just don't have the data". And then that's it, he's gone. Not going to look at it again.

MS FORD: In relation to the particular example the tribunal has given, the claimant can provide either the date purchased or the date registered. In relation to the date registered, that, we understand, should be able to be obtained from the DVLA.

THE CHAIR: But who's going to do that? If you've got your ten cars, are you going to go to the DVLA and look it up? Possibly for £50.

MS FORD: Well, the alternative under 3 is the class member can provide total spend on vehicles purchased or registered per year, broken down by model and weight. One would reasonably hope that they would know how much they had spent on vehicles.

THE CHAIR: Yes.

MS FORD: So that latter possibility does seem to be --

THE CHAIR: Do you think that will ...

MS FORD: I imagine that some messaging can be included to the effect that if there are difficulties with providing the level of relevant evidence that's required, then they can contact the claims administrator and be assisted, in the sense of verifying their claim and seeking to facilitate them making a claim. That would encourage them not to take the route the tribunal is concerned about, simply saying, "I can't be bothered". Obviously, what we are seeking to balance is, on the one hand, facilitating the legitimate claims and on the other hand, avoiding the potential for fraudulent claims.

THE CHAIR: I understand.

MS FORD: Ms O'Keeffe rightly reminds me that one can claim for up to seven vehicles on the basis of no detailed evidence of this nature.

THE CHAIR: I've got the seven vehicle point and I'm not concerned about that. I'm concerned with the guy who's got 10, 20. I'm not that concerned about the guy who's got 50,000, because it's worth doing. The guy who's got a relatively modest amount may not necessarily have all the records to hand, would be faced with the form, and when he looks at it and says, "I don't have that, would take me hours and hours to find, I've got to contact the DVLA to get this information". Probably not going to be bothered.

All I think you need to do for now -- you've heard the point I've got.

MS FORD: Yes.

THE CHAIR: Think about, "Are we able to mitigate Hodge's risk?" The risk that I've identified. If you can, that's fine. If you can't, I'll just have to deal with it. I'm not against what you've done, I'm just concerned about the practical, real-life scenario of a guy who hasn't got thousands of vehicles, faced with the form, and if he feels he can't complete something, he's going to drift away.

MS FORD: Yes, we fully appreciate the concern. It's worth recalling that insofar as that individual has self-identified as a "fleet", which doesn't, as I understand it, require necessarily a high number of vehicles -- we've seen that the mode purchase for fleets was at a single vehicle in some of the data.

THE CHAIR: Yes.

MS FORD: The evidential requirements have been significantly mitigated by virtue of the ability to cross-check with DVLA data, which will happen.

THE CHAIR: Yes, I've got that. The fleet ones, I'm not concerned about. I'm concerned about seven pluses, the non-fleet.

MS FORD: Yes, I'm told that if the applicant were able to provide for example the VIN number for the vehicle, then the class representative's claims administrator could do the process of looking up the registration date.

THE CHAIR: I know, yes, I can see that. Yes, the VIN number is always the key one to work with.

MS FORD: Yes.

THE CHAIR: But just think about this, and no doubt when you come back with a plan -- we'll take a short break now.

MR BREALEY: Yes.

THE CHAIR: Sorry it's taking so long, we'll just have to go through it page by page. I hope to finish by lunchtime, but I don't know. Okay, we'll rise. We'll come back at 12.00.

(11.45 am)

(A short break)

(11.59 am)

THE CHAIR: Ms Ford, can we go back slightly (inaudible) annex 8 point

MS FORD: Annex 8.

THE CHAIR: The one we're looking at. On some websites, okay, you start filling something out like an order and then you stop for one reason or another, okay? It may be because you don't trust the website, they're asking too many questions and all that. Then you get an email or something like that or a message later where they come back and say, well, you accessed it. Can we help you or whatever? How is it going to work with this one? Because given the concerns I've got about the annex 8, is there any way we're going to get feedback so you'll be able to see people coming in, partially completing it, and then you see that they give up? And then at that point, are we able to then contact them somehow to say, "Can we assist you? You don't need to do this" or whatever.

MS FORD: I'll take instructions on that point. (Pause)

I'm told that we reasonably expect that we ought to be able to put something in place to that effect. And in particular the applicant would, essentially, at the first stage put in a contact email address, for example. That means that at any subsequent stage we could then contact them if they want to --

THE CHAIR: We can look at this as part of the reviews that come in that you can say, look, we're getting this pattern.

MS FORD: Yes.

THE CHAIR: Okay. The next thing is the paragraph that deals with no appeal, okay? So let me find that. (Pause)

We're not going to talk about evidence verification, albeit it's a very interesting topic for obvious reasons. But I understand the measures that you're going to take and the version of the DP on the website will obviously have this, I think, redacted. Are we ... (Pause)

I think the bits you left in are probably okay, aren't they? Okay.

Distribution window we've dealt with already. (Pause)

We've also discussed already this question about monitoring them to see why they come out. So if there is any recurrent issue saying, okay, when they get to this, this is when they sort of pull out, please bring it back as part of the monthly review. We'll certainly talk about it in the three-monthly review. But I would like to know the data on people inputting, looking at the claim form and then rejecting it. Is it -- okay? You've got the point.

MS FORD: Yes.

THE CHAIR: You need to be pretty clear in your notice that there is going to be no process for appealing rejected claims, which is what you're doing. The practical reason is why you've done it. I do think that if people have concerns about the claim process that we get to hear what they are and they're factored in. And you'll have to design that on the thing. If you've got any concerns about the claim process, tell us.

MS FORD: Yes.

THE CHAIR: Then when it comes to the monthly reports, you can say, look, we've got the following complaints about where we are and we've dealt with those. But if there's a recurrent pattern, then I may need to sort of intervene and give a ruling or whatever. But I understand that what you need to do is have a process that is just not (inaudible) is just costly. But if there are legitimate concerns about how it's been done and the forms and all that, they should be able to say that to you, and then that can be reflected in the report. So if anything needs to be done, it's going to be done. Yes? Okay. So that's fine.

On the distribution there's going to be liberty to apply anyway, so when you work out the final order, just say "liberty to apply as to the distribution plan and the distribution process", so anyone can come back and we'll deal with it. But the idea is that if people have got concerns which don't need to be resolved straight away, that will be dealt with at the three-month review hearing.

MS FORD: Yes. So there's a provision at the moment that says "there'll be liberty to apply for the class representative to apply for further directions in the course of or following the distribution process". Does that --

THE CHAIR: Yes. But it's just a question -- if there are concerns, we just need to make sure changes that we've got that it does feed through, that it's considered if you need a ruling, it's ruled out ideally at the three-month review stage, but I will be looking at the monthly reviews and coming back with any comments and rule as necessary. Okay, so that's that paragraph. (Pause)

207 and 209. I'm just flagging up to you, but you can feed that into whoever's dealing with them. Both of those are potentially areas where fraud is well known, okay? They're both risk areas that people can try and put multiple claims in, get paid through the gift-card process or by the voucher process where you can the prepaid cards -- prepaid cards can be really problematic, but you've got sophisticated enough people involved in all of this that if you do see patterns, you'll pick up on it. But I would like to know patterns of fraudulent activity are part of the review. It may just say there's nothing to report or it may be there is something to report. I need to know is this going to be relevant for other activities, as well as the ongoing process that you're doing at the moment? Okay, so that's that.

Top of page 87, paragraph 217. I presume when I get the monthly review I'll have a breakdown as to how the claims are actually coming through -- is it through Nectar points, whatever it is -- so I know which ones are bringing in more people than not.

MS FORD: Yes, I'm sure we can do that.

THE CHAIR: Okay. (Pause)

So we need to know the number of valid claims submitted by category and which payment options are being followed. 223. So that'll be -- I think that's probably going to have to be in the monthly report as well, but certainly it's going to be in the final report that's proposed at paragraph 223.

As regards 227, I agree with that. So that's fine. I've considered it. I think what's been proposed by Scott+Scott is sensible. So if there's any excess we would deal with that as part of the CFDs.

Now the next one is Nectar, paragraph 233. That seems a lot of money, because you've got that plus a 20 per cent haircut.

MS FORD: Yes, the 20 per cent haircut does not come off the value that goes to the --

THE CHAIR: No, but it comes off the out of the settlements up.

MS FORD: The total amount for distribution, it does, yes. In proportion to the extent to which people use this method of claim, the 20 per cent.

THE CHAIR: Yes. But what I'm saying is that when you look at both of them together, it's a fair amount of money. I see the figures are confidential, so I'm not reading it out, but that figure seems to be pretty high.

MS FORD: Yes. Well, we can perhaps give the tribunal a greater breakdown of exactly where that goes and why it is necessary. I think it's fair to say that it's felt that this is a very positive partnership to have established in terms of being able to --

THE CHAIR: It's a novel approach. We don't know if it's going to work or so -- it will work to a certain extent, but we don't know the extent to which it will be a success, and it's a fair amount of money. There will be lessons to be learnt, but I'm just thinking that if this figure can be reduced, all well and good. If it can't be and you say, "No, this is the rock bottom, this is exactly what it's going to cost", then I'm not going to change it. I'm just saying you need to really consider whether or not that figure can be reduced.

MS FORD: Yes.

THE CHAIR: And if it can, that's better.

MS FORD: I'm told that the figure that the tribunal sees here is already the product of a degree of negotiating down, but nevertheless, we will endeavour to respond.

THE CHAIR: Just see what you can do, okay? (Pause)

I was looking at 235. That's not a confidential figure.

MS FORD: Presumably not.

THE CHAIR: It's not Epiq's fee I'm concerned about, it's the transaction fees.

MS FORD: Yes. So this is partly the point that we flagged up in the context of a potential second round of distribution, because we understand that there are transaction fees.

THE CHAIR: Yes, I understand. I've seen the figure that you put there, but it does seem quite a lot of money. But again, it is what it is, isn't it, because you've got so many different individual transactions? That's where it is. If you look at it per transaction, it's not a huge amount of money. It's just so that potentially there are so many transactions that you get to that figure.

MS FORD: Yes.

THE CHAIR: Okay. That's. Right.

So we've been through the report. You're going to send me the notice that goes to the class members once you've done it?

MS FORD: Yes.

THE CHAIR: You're going to send me the distribution plan with the amendments?

MS FORD: Yes.

THE CHAIR: And then the draft order I've got. So paragraph 1 is going to be:

"Settlement sum is distributed to the representative in accordance with the distribution plan appended to this order." [as read]

What are the figures in paragraph 2?

MS FORD: Those were envisaging the CFD application.

THE CHAIR: Yes. So we're not --

MS FORD: I'm sorry, I might --

THE CHAIR: That's different. This is the one that we need to put in now.

MS FORD: Yes. (Pause)

THE CHAIR: Can we just go look (overspeaking) --

MS FORD: (Inaudible) tribunal the figures will be here.

THE CHAIR: Let's look where we are. You've got £2.5 million that's being paid by the defendants for distribution.

MS FORD: Yes.

THE CHAIR: Okay. So presumably --

MS FORD: Although some of it has not yet been paid. That's --

THE CHAIR: Yes. I think you all just need to be a bit more sophisticated as to -- you've only used up a certain amount of money. Are we now in the situation that you're able to access the full £2.5 million that's been made? You're still not able to do that?

Let Mr Gibson have a go.

MS FORD: Once the distribution --

THE CHAIR: Yes.

Submissions by MR GIBSON

MR GIBSON: Thank you, sir.

The position is that the 1.5 that was available for the (inaudible) settlement (inaudible).

THE CHAIR: Yes. Good.

MR GIBSON: The half a million from (several inaudible words).

THE CHAIR: Yes.

MR GIBSON: Once the plan has been approved --

THE CHAIR: Yes.

MR GIBSON: -- those two half million, an extra million, will become available. At that point we'll have the £2.5 million envisaged under the settlements collectively available to us. Those behind me will correct me, but the figures that we were discussing, I think the first XXX is for the £2.5 million.

THE CHAIR: Exactly. It should be. Yes.

MR GIBSON: Indeed. Because that's the amount that's allocated under the settlement sums. Obviously you've given permission to draw down 425 from the damages, but that will be repaid.

THE CHAIR: That's got to be repaid. So we put that in the order that that gets repaid.

MR GIBSON: Yes. So we can make provision for that, exactly. Then the additional £0.5 million is the second figure, and there's provision for that to be paid from additional damages. But because we've now got accrued interest, I understand the proposal is to use the accrued interest to pay the extra half a million that we now calculated will be necessary.

THE CHAIR: Yes. That's right. I'm happy with that paragraph.

MR GIBSON: Yes. So in this paragraph 2, the figures you asked for, my understanding is the first figure will be £2.5 million, and the second figure will be £0.5 million, and those will be available once this order has been made. So there'll be a flow of money through in that way.

THE CHAIR: That's fine.

MR GIBSON: I'll sit down now.

THE CHAIR: Okay. So that's the draft order. The liberty to apply, though. I want a general liberty to apply in relation to the distribution, so anyone can come, effectively. So it's not limited to the CR. Then you'll put in the order the monthly reports and then the three-monthly review. We never know how long these hearings are going to last, but maybe we should put two hours with an estimate, and that once you have gone live, whenever that will be, if your solicitors can then liaise with the registry to get the date.

Because we'll then be able to know roughly when that's going to be. But you're going to have to figure out as you go along, how long is it going to take to produce, you know, your first monthly report? I would have thought that you'd want your first monthly report one month after we start.

MS FORD: Yes.

THE CHAIR: But you may not have a huge amount of data.

MS FORD: I think what we envisage doing is liaising with the claims administrator, and we will (inaudible) a sensible plan as to when exactly the report will be provided, and provide as much information as we can in that context.

THE CHAIR: Exactly. Okay. Now, what else do we have to do? We've got someone's applying for directions in relation to the CFD application, but I'd have thought the natural time to deal with that is at the end of the hearing on the three-monthly review. Because I'm not going to hear the CFD application. But I will probably be in a position to give the directions and have a good idea of the date.

But if I can say certain things, which is that when it comes to the CFD application, I will want to be able to satisfy myself as to the reasonableness of the fees that have come out effectively on a solicitor and client basis, and have the data to do that myself. Because the other alternative, which everyone's (inaudible) around, is that we get someone else to come in and do an independent (inaudible), as per Merricks. I don't really want to do that because it will take a long time and it's going to be quite expensive. I want something more than basic that you would get on a summary of assessment of costs schedule, and you (inaudible) more than that, and it will be very helpful if you can get a report to come with all the figures. Maybe by cost draftsman, or maybe someone within the firm, that explains all the figures, what the rates are, how they fit in with the guideline rates. If you get more than the guideline rates, what are the justifications for getting them.

So by the time we actually have that hearing, I'd have been through the whole lot and I'll have a view one way or another as to the appropriateness of the figures. So that's primarily in relation to the legal costs. But I will want to look at, you know, whatever else is in there. What we had last time was there were certain categories and the interim payment is ordered. I just didn't have enough information to give you, and I don't really want that to happen again. I want to be in a position, if possible, to come to the CFD hearing. At the end of that hearing, everyone knows where they are, and what are they going to get, what are they going to (inaudible). Rather than the beginning of a process where I say it's all going to go off to someone else, which is just going to cost money.

You're going to have to be practical. You know what your job is, which is to come up with something that I can look at, assimilate and come to a view, without having to shove it off to someone else to come and do that. Because I think it's unnecessary; it's going to be a lot of money. But I want to, if we can, use the CFD amount for CFDs.

MS FORD: Yes, that's fine.

THE CHAIR: Anything else?

MS FORD: I know that Mr Teasdale has some submissions that he wishes to make about directions.

THE CHAIR: Okay, that's fine.

Submissions by MR TEASDALE

MR TEASDALE: Thank you, sir. The point that I am keen to make submissions on, on behalf of Woodsford, but in many ways it will apply to many of the stakeholders, is the timing of the hearing of the CFD applications. Now, can I just be clear because there's possibly a confusion about this. The CFD application that's currently, I think, intimated in the draft directions by the class representative is not necessarily the final decision about CFDs, because, of course, as the tribunal knows, it's only once the distribution process is finished that we will know whether there are any sums in some of the extra pots that are even available for the payment of CFDs.

But the tribunal will recall that there are certain pots within the approved settlements that are earmarked solely for CFDs, just as there are sort of guaranteed damages pots, there are certain pots made available which aren't contingent on the outcome of the distribution process. My understanding is that the intimated CFD application that the draft directions talk about is an application for the remainder of those pots, so not necessarily the final word on CFDs. It may well be down the line that there is more that an application could attach to, but this relates to those earmarked pots.

The second point I just want to begin with is something that I hope is an obvious point.

THE CHAIR: Are you able to give me a list of what those earmarked pots are?

MR TEASDALE: Well, there's a grand total of £34 million in the earmarked pots, of which 16 point something or other has already been paid out, leaving about 17.

THE CHAIR: Yes.

MR TEASDALE: So in broad terms, we are talking about an application for the remaining circa £17 million from the £34 million earmarked for CFDs and the approved settlements.

THE CHAIR: But if we look at it, I'll just give an example. Okay. You can say, for example, looking at the legal costs, okay. What happens if I'm not happy with the figures? I may say I don't think these are reasonable figures.

MR TEASDALE: Of course. I mean --

THE CHAIR: When is that going to be? That's surely the time for that is to be determined at the end of that process. Because I envisage that issues like that are going to be determined at the sort of final distribution hearing. I'm going to have all the material.

MR TEASDALE: Well --

THE CHAIR: And that where we are is, in so far as we're going to be looking for directions for that hearing, we'll have a much better feel for when that's going to be when we have this hearing after the three-month review.

MR TEASDALE: Well, sir, there's a couple of different things to unpack there.

THE CHAIR: (Overspeaking)

MR TEASDALE: There are a couple of things, if I may, to unpack there.

THE CHAIR: Yes, of course.

MR TEASDALE: It's obviously always true that if one delays an application hearing later and later, there will in some literal sense be more and more information by that time. For example, you might know more about how the distribution process has gone. You won't necessarily know more about whether the fees incurred to date are reasonable because subject to the process, which I, of course, understand needs to happen of preparing schedules in the right way, preparing information about those costs, you'll be able to have at any point from now the information about whether those fees are reasonable. If we're getting into the territory of talking about, “well, it's only after a distribution process that the tribunal will be in a position to know whether the proceedings have been a success or not...” Of course, you recall many of (overspeaking) --

THE CHAIR: That's a big issue, yes; that's always a big issue, and that -- you know, a lot, that the distribution process and what is the outcome and how well it's going and what's left is something that I want to take into account when it comes to the final hearing. The question is if someone wants, let's say, a further interim payment, like we did last time round, and you can say, "Well, there's this particular item that should be paid now and it's discreet", we can deal with that. But I don't envisage having another major hearing, between now and whatever the hearing is going to be that I'm going to direct and fix at the three-month review.

MR TEASDALE: Well, sir, I appreciate your --

THE CHAIR: There's a limit to how much resources we have. All these hearings cost a lot of money, and when it comes to making those types of orders, I'm going to have a full panel. So getting a full panel for a hearing, which is clearly going to be more than half a day. I'd say it's going to be at least a day, if not one and a half days to do the final distribution of the costs, fees and disbursements.

MR TEASDALE: Sir, if I may just address you on this point, because I have no doubt that a hearing will be a substantial undertaking. I, of course, respect the fact that the tribunal's resources are limited. But these are really important matters for all stakeholders, not just the funder, dealing with large sums of money. I hope this is an obvious point, but making a reasonable and commercially-viable return is not merely a question of how many pounds and pence ultimately is paid out whenever we get to it. It's about when that return is made.

THE CHAIR: I agree. That's why I paid out, I authorised the payment out, of £16 million.

MR TEASDALE: Well, yes.

THE CHAIR: That's why I did that. Otherwise I would have left it to the end. I thought you were going to get at least the funder's outlay covered, and that's what's been done.

MR TEASDALE: But, sir, the problem is that it's not merely the recovery of the outlay, it is the making of any return on the investment that is degraded significantly for all stakeholders by delay. It's not merely a case of saying, "Well, it's taken a lot of time to get to this point already. What's another month or three months?" A huge amount of time has passed in this case. I mean, the settlements were reached between 2023 and 2025. A real concern is that, of course, when we attended on the tribunal in January of this year, and you heard Mr Mallalieu make all these points about the importance of timing in the investment. At that stage, it was said, well, perhaps at the time of the distribution plan, it might be possible to come back and ask for some more. It may not be the final decision on CFDs, but would be able to ask for more. Entirely understandable, if I may say so.

In August, the letter from the tribunal said that we should not at all assume that at the distribution plan hearing, all the CFD to be paid. Of course, we don't for a moment assume that. We understand that some will have to wait to the end. But, the submission that certainly we would make upon any CFD application, which we do ask to be heard sooner than the 2027 dates mooted, we would be making the submission that in fact the tribunal has enough information now to make the conclusions and the findings it needs to pay out the sort of further sums we are talking about in those designated pots, now, without waiting for the end of the distribution process.

In reality, what's currently being contemplated, as I understand it, is not merely that the CFD application wouldn't be heard until the three-month review, which sounds at its earliest like it's going to be on a best-case scenario end of February, if not March 2027. But actually that's when the directions will be made, presumably for a hearing that won't be some months later. So we're talking about 2027.

THE CHAIR: I don't know when the hearing will be because it all depends on listing, because I think -- everyone thinks that the only case we've got is your case, and you turn up in court and you always say. But court time is pretty valuable and we've got a huge workload here.

MR TEASDALE: I appreciate that, sir, I completely do. But in the grand scheme of things, I do respectfully say that allocating a day to a matter which is --

THE CHAIR: You've got your priorities agreement between them. Insofar as anything's ordered, I presume it goes to the funder (overspeaking).

MR TEASDALE: Well, it depends on exactly how the priorities agreement works. I don't think it's quite as simple as that, but I'd have to remind myself. It depends, obviously, a priorities agreement is only as good as the money you pour into the top, as it were. So, the concern I have, and the concern that my client has is that all of these delays are having an acute impact on the commercial sustainability of this sort of investment.

What we really want the opportunity to do, intervening in the class representative's application, is to come before the tribunal and to make the case, and be heard on our submission, which is that the tribunal has enough information now. The problem is, if the application isn't even heard until after the distribution process concludes, then, in a sense, those submissions are rather otiose. We've not had the opportunity to make those submissions and be heard on them.

THE CHAIR: The other possibility is that you make an application, effectively for an interim payment. So exactly where it comes out of and exactly who gets it can be determined when we have the final hearing. But look, whichever way you look at it, the proper CFD figure is going to be a certain minimum.

MR TEASDALE: More than the payment we're seeking, yes, exactly. I mean, sir, that is, in a sense, as I understand it, the application that's envisaged, because --

THE CHAIR: I don't want some complicated hearing. I want the CFDs to be dealt with properly by the tribunal once we've gone through the distribution plan process, which we're now doing. I'm conscious that time is money. That's why I made the order last time. If you can come up with some sort of idea or vision whereby you say "Okay, are you willing to give us another £6 million", or whatever, and put in a reasoned application, then we can deal with it. I can probably deal with that administratively with the other members of the tribunal, because I'm not sure if I can do it on my own.

I am sympathetic about time is money, but we've got to come up with something that's realistic without having an unnecessary hearing, which may not solve the final figure. But I can see that there is a halfway house whereby you do get the cash flow. You just need to think about that. I will be sympathetic to an application in the region of £6 million.

MR TEASDALE: Well, I'm grateful for the indication, sir. I mean, as I say, the reason --

THE CHAIR: Sorry, yes, no, carry on.

MR TEASDALE: The reason I think we are so keen that there be a hearing is because -- I think it's reasonable to say that the intimated application and the application we have in mind is for more than £6 million. We are conscious, given the indications from the tribunal, that there will be resistance to that. So we'll need to persuade you of why you are in a position to award more. All we seek, whether it's through an oral submission, written submission, whatever way is most convenient, is the opportunity to make those submissions and have them determined.

If you're against us, we simply want the opportunity to make those submissions and have them determined and have them determined as soon as possible. Because it's our case that, in fact, the tribunal could be satisfied prior to getting to the three-month review that a more substantial payment of CFDs, even though it's maybe not the final sum, is merited.

If there's a way that we can work with the tribunal to make that less intensive on the tribunal's resources and diary, perhaps through written submission rather than oral, whatever it is, I'm sure we can do that. We are just so keen.

THE CHAIR: So what information do you envisage we're going to have to deal with this?

MR TEASDALE: Well, of course it'll vary slightly depending on the different types of CFDs in question. So I suppose off the top of my head, the key types of CFDs are going to be: solicitors and counsel's fees of one kind, and for those, the sorts of information you're likely to need -- there's both an understanding of what the totals are, as against the sort of size of payment being sought at the moment, and also, broadly speaking, how they are comprised. Of course, the question of how much detail to go into in that is a question that ties in with -- I know the correspondence that the class representative has had with the tribunal -- the cost of obtaining a more and more detailed schedule. So that's one question.

THE CHAIR: Yes.

MR TEASDALE: In relation to, for example, ATE insurer's premia and Woodsford's returns, I may be wrong, but I would have thought that the sorts of information that the tribunal would need in that respect won't be a million miles away from the evidence it's already received in advance of January of this year. Because in advance of January of this year, you may recall you had schedules setting out what the contractual entitlements were; evidence from the funder, and if I remember correctly, also evidence from insurers as to why those amounts were reasonable.

Now, they'll presumably need some updating. Off the back of January, we know the concerns of the tribunal, so they'll probably need some modification. But broadly speaking, I would have thought from the insurer's and the funder's point of view, it won't be a million miles away from the evidence you've already seen in January, supplemented with submissions based on what's happened to date.

THE CHAIR: Okay, look, I'm more attracted by the idea that -- apply for an interim payment, which I'm not going to specifically allocate any particular CFD; how it's going to be dealt with will be dealt with at the hearing that's going to be fixed at the three-monthly review. I think that's the easiest and most practical way forward. It's really going to be a question of you trying to come up -- persuade me as to what that figure should be.

I think that that cuts through it, because when it comes to the CFDs, it's going to be quite an important analysis. It will take a lot of time to prepare the CFD hearing. You think I'll just turn up here and that I just sit there?

MR TEASDALE: I don't.

THE CHAIR: All these hearings take a lot of time to prepare, and the sort of hearing that you're envisaging would take a lot of time to prepare. I have to go through it all really carefully. I don't want to do that twice. That's why I'm offering that you can apply for, effectively, an interim payment in respect of CFDs. You have to come up with your submissions as to whether the figure you're asking for is one that is justifiable, and represents the irreducible minimum of what the CFDs are.

So when you look at an interim payment on account, you know how that works. You say, "Well, my costs are these, but when it comes to an assessment, it's never going to be lower than this figure". So you have to be relatively conservative. That's why I thought maybe £6 million is fine. You may say that's too low. But just look at it, come up with something that's persuasive, and then I will definitely look at it. But I don't expect a huge elaborate process that's going to take me a day to get to the bottom of.

MR TEASDALE: Well, sir, if it assists, I mean, I think that is how certainly my client has always thought these hearings, in a way -- pending the final CFD moment -- should go, in the sense that -- appreciating that this may not be the number that the tribunal has in mind -- but to take my example of the envisaged £17 million application, I think the way that my client would envisage that being advanced and determined is to say: well, as long as the tribunal is satisfied that a grand total of no less than £34 million worth of CFDs is going to be payable at the end of all this, then the extra top-up of £17 million on top of the £16 is justified --

THE CHAIR: But --

MR TEASDALE: And the tribunal doesn't need to make any determinations about specifically who gets what, because there's a priorities agreement that does that. So actually, the approach that my client would take would be to say that that sort of broad-brush interim payment type point is exactly how that application could be determined.

THE CHAIR: I tell you now, you're not going to get the full. So you have to be realistic. If you're realistic, we might be able to deal with it without a formal hearing. I'll have to look at it when it comes in. I can't tell you what I'm going to decide now, but I've given you an indication of what is likely to be acceptable.

MR TEASDALE: If --

THE CHAIR: You can put whatever submission you want to put in, and if you're going to put evidence in, I'm saying keep it light.

MR TEASDALE: Of course.

THE CHAIR: Because the more stuff you have, the longer it's going to take to deal with.

MR TEASDALE: Well, sir, in which case, it sounds to me like the way forward that might work is if, first of all, the application is made so you can see it on the page and see what it's asking for and see why. That there is, in relatively short order after the making of that application, any necessary evidence put in a proposal for some written submissions, so you can see the outline of the points being made. If there's a concern at that stage that's not going to be capable of being dealt with, we can resolve it then. But at least by that point, in quite short order, the tribunal has the application, the relevant evidence, the key submissions of the parties.

THE CHAIR: You can think, with those instructing you, what's likely to be the safest route, and what's likely to get a payment sooner rather than later. Sometimes, if you make it too elaborate, too much, and go into issues that have to actually be dealt with when it comes to the final CFD, you may find that that becomes more difficult. But it's up to you.

I'll have to see it when you produce it, I'm not going to make any directions now. You put in an application, you go into the registry. I'll look at it. If I feel I need to make additional directions, I can. If it's in a form that I can actually make an order, then I'll make an order.

MR TEASDALE: I'm grateful. Just to be clear, lest the tribunal get the wrong impression, seeking the £17 million interim payment, as we might call it, whatever the number is, that's by no means all of the CFDs that all stakeholders are entitled to claim.

THE CHAIR: No, I know all of that. Of course I know.

MR TEASDALE: Yes.

THE CHAIR: I fully appreciate where we are, and that it may be that the CFD pot is all that's on the table, in which case it may not be that complicated. It may be that there's unity between all the different stakeholders, that whatever needs to happen to that money, we'll sort it out amongst ourselves with an agreement that the tribunal will look at, say, "Yes, looking at the round, that that seems sensible".

There are so many different ways of cutting this, and that's why I didn't really want to get into anything detailed until after the three-month review, or at the three-month review.

But given that we don't know how much is on offer, and I don't actually know what the reasonableness of all these figures are -- I've seen the figures, but I haven't got to the bottom of the lawyers' costs as to, on a solicitor/client basis, what's reasonable and what's not reasonable, and all that sort of stuff. There's a lot of work to be done there.

MR TEASDALE: Well, I appreciate that, sir. What I would stress is that we'll obviously work with the class representative with the making of the application. I suggest that perhaps, although you're not willing to make directions today, that we supply some proposed directions alongside the application so that everyone can know where they stand and so that directions can be made once you're in receipt of the application. Because if this is going to work, obviously we all need a timetable that we can see in advance, plan to, and work to. So if we submit proposed directions alongside the application, that's something --

THE CHAIR: No, I'll look at that all at the same time. So you'll have your application and proposed directions, but you're not likely to have a hearing that quickly, because there's other things to be done. If it's a relatively simple interim payment-type scenario, and it's not controversial, then it's more likely to be dealt with quickly.

You're an experienced advocate; these things are just going to have to work out as to what is practical for your clients. You have to speak to the other stakeholders, ATE insurers and lawyers and all, and come up with, hopefully, something that you can all live with. Say, "Look, this is what we propose," and I'll decide, having properly consulted with the panel members, what to do.

MR TEASDALE: I'm grateful, sir, and I've already taken up a lot of your time.

THE CHAIR: That's fine, we've got a lot of time (inaudible).

MR TEASDALE: All I would say is that being practical and working out what the stakeholders can live with is something that will become more difficult with every month that passes. I appreciate that this is a resource limited (inaudible), as I say, but we are so keen that all of this works well, that this is a regime that flourishes and develops and functions. But a key part of that is ensuring that where cases have yielded substantial settlements and reached a successful conclusion, that the stakeholders can have timely payouts of reasonable returns. So we are just keen that we have the opportunity to make the submissions we need to make to advance our case as to why some should be paid out now. If we can better do that in written submissions to save time rather than having an oral hearing, that's I'm sure something we can do. But we really do ask, respectfully, that --

THE CHAIR: There is enough money here on this settlement that the funders are not going to lose out in real terms, but you need to get a return across your book and that you'll have other cases where you don't make any return. I understand all of that. I'm not against funders. I think they play a very important role in these types of cases, as well as other types of cases. You do need to make sure that you get a proper rate of return.

At the same time, there's a public interest that anything that comes out has to be properly scrutinised.

MR TEASDALE: Of course.

THE CHAIR: We looked at the distribution plan. We spent half a day just looking at distribution plan. And, you know, when it comes to the process at the end, it's going to be a rigorous process. You know that.

MR TEASDALE: Of course.

THE CHAIR: It's only because that relatively early in, let's say, the other end of the collection proceedings regime that we're seeing what works, what doesn't work, and what the practical problems that are coming through. And this should be a case which is a good news case, which is that you've got a settlement of proceedings. There's a decent pot of money for class members and stakeholders. You know, this hopefully is going to be a case where we say, you know, it's run smoothly. We've had a good outcome. I just need to see what's happening on the distribution plan. Because look, if the distribution plan is going well, obviously I'm going to be a lot more relaxed about everything because I can say these proceedings are a success. It's going really well. If the distribution plan isn't going well, then it just may be that there's a different atmosphere as to where we're going. No one knows what the answer is. I know the CR has expressed a view which I think is too optimistic, but I don't think this is going to be a bad outcome at the moment, but no one actually knows.

MR TEASDALE: Well, sir, I appreciate I'm going over old ground now, but just to --

THE CHAIR: You are, but don't worry, that's fine (overspeaking).

MR TEASDALE: -- just to make sure the point is really clear, the submission that we are going to make and that we want to make and we want the opportunity to make promptly, is that these proceedings are a good news story already, and that they are a sufficiently good news story already to make a substantial further payment of CFDs. All we ask is that by one means or another we are given the opportunity to make that submission promptly and not have to wait until --

THE CHAIR: You have various options, and it's up to you to decide which option you're going to go down. You don't even need to tell me. You'll file an application.

You'll deal with it in whichever. I'll deal with it when it comes.
MR TEASDALE: I'm grateful.
THE CHAIR: We are going to have a three-month review. At the three-month review we will know where we are, hopefully.
MR TEASDALE: Thank you for your time.
THE CHAIR: And at that time, finally -- okay. Thanks very much.
Yes.

Submissions by MS FORD
MS FORD: Two brief points: the first concerns the report that the tribunal has requested about legal costs. The Tribunal may recall that at the last settlement hearing we flagged up that there will come a point at which expenditure on the claim triggers a greater contractual entitlement to returns on the part of the funder, and that point approaches with every additional expenditure.
THE CHAIR: I don't envisage that the funder's return will be added on top of that cost.
MS FORD: I had a mechanism by which I was going to propose that could be achieved.
THE CHAIR: Yes. Can you do that?
MS FORD: Which would be simply if the tribunal were prepared to authorise a payment out from the sums earmarked for CFDs to cover the production of that report, then that avoids that cost.
THE CHAIR: That's fine. If you put that in the draft order or a separate draft order, because it's actually -- is it the same topic? Up to you, whether you put it in the same order or a separate order.
MS FORD: That was the first point.
The second point: we've heard what the tribunal says about an interim payment, and

it's certainly the case that those behind me are extremely keen to obtain an interim payment. There's no doubt that everybody's been on the hook for a considerable amount of time in the context of this case, and obviously, a degree of progress has been made and a lot of work has gone into the distribution plan. So certainly what we would propose is that we will make an application on the papers supported by a witness statement for an interim payment. We hope that that can be dealt with sooner rather than later.

THE CHAIR: But when we talk about an interim payment, let's say in respect of lawyers' fees, okay, you've got the priorities agreement that kicks in. So won't the funders then say, well, look, you've made your application, but because of the priorities agreement is going to come down, be distributed in accordance with that.

MS FORD: Certainly the priorities agreement will be applied. Of course, if that is used as a reason for not making any interim payment at all, then of course nobody gets anything. So in a way that is not a --

THE CHAIR: No, but making it -- this is why it's much simpler just to have a general interim payment says "I'm making a further interim payment out can be applied and this is X."

MS FORD: Yes.

THE CHAIR: Rather than necessarily going through the process that you're saying -- but it's up to you. Look, you lot have to figure out how you want to do it. I will deal with it when it comes in.

MS FORD: Sir, I'm not sure there is actually anything between the tribunal and myself in terms of that submission. We are proposing that we will make an application for an interim payment of an amount and that we envisage it can be done on the papers, supported by a witness statement. We're hoping that by that means that can be resolved with a degree of rapidity. (Pause)

The tribunal has our indication as to what hopefully can be achieved, and we will certainly be putting in an application.

THE CHAIR: What we're not going to have is sort of multiple applications involving more time to resolve this. I think between now and the final hearing to deal with the CFD is one chance to have one further payment. What that payment will be, and whatever basis it's for you and the other stakeholders to come up with something that tribunal can live with and that you can. What I can't say at the moment is what the rate of return should be under. Can't say that -- come to a view as to the reasonableness of all the legal costs (inaudible) your own client basis now, and that's why while asked for an interim payment I'm not keen to be CFD pot (several inaudible words). I've indicated the figure that at the moment I'd be willing to go for. If that's accepted then obviously that's going to be resolved without any further delay. If on the other hand people say they want double that, then you've got an issue as to how we're going to get that. Whether or not I just say, well, I'll just leave it all (inaudible) end of the day.

But it's (inaudible) intelligent people what works and what doesn't work. I've indicated various possibilities and it's up to you as to, you know, which to go with. I'll deal with any application when it comes in, but when I get an application, I could always say I've looked at it. I think I'm just going to defer the hearing of that application until whatever, or I may look at it and say, well, this is something I can now ... Yes. I'm not trying to be difficult. I'm just trying to be practical. And I'm very sympathetic about the position of the funds, time and money, the interrelationship between the two. But I do not want to make an order that I later regret and doesn't give me enough wriggle room in the case where I do not yet have a sufficiently good feeling as to what entitlement should be, and getting to what those entitlements should be is a detailed, rigorous exercise as you know.

You know how much time it took to deal with the last interim, the last payment, and that led to a ruling in (inaudible) we went through the figures in detail. I'm not keen to have another one of those. We had one big bite at the cherry. That was dealt with. The only reason why I'm willing to allow another bite of the cherry prior to the (inaudible) is that it is pretty obvious that the distribution process is taking longer than I'd envisaged, taken a while to get the distribution plan to be ready.

It's not a criticism. I understand why it's taken that long, but the fact it has taken that long means I'm willing to make, to consider another payment, interim payment out in circumstances where probably I'd have left it all to the very end. But I haven't done that. So there is a limited finish time. But anyway, this is where we are. I'll see what application everyone makes.

Thank you everyone, and thank the class representative's team for having done such a good job in getting the distribution plan to the stages reached. And if I can have an amended version pretty early next week and then make an order, I'll send out a ruling -- I don't know if I can do it tonight, but it'll come pretty soon -- to reflect the things that we've already decided today.

All right. Thank you.

(12.59 pm)

(The hearing was concluded)

Key to punctuation used in transcript

--	Double dashes are used at the end of a line to indicate that the person's speech was cut off by someone else speaking
…	Ellipsis is used at the end of a line to indicate that the person tailed off their speech and did not finish the sentence.
- xx xx xx -	A pair of single dashes is used to separate strong interruptions from the rest of the sentence e.g. An honest politician - if such a creature exists - would never agree to such a plan. These are unlike commas, which only separate off a weak interruption.
-	Single dashes are used when the strong interruption comes at the end of the sentence, e.g. There was no other way - or was there?

Summary report: Litera Compare for Word 11.14.0.42 Document comparison done on 18/09/2026 11:22:24	
Style name: Default Style	
Intelligent Table Comparison: Active	
Original filename: CAT-1339 McLaren 170926.docx	
Modified filename: CAT-1339 McLaren 170926 REDLINE (1).docx	
Changes:	
Add	82
~~Delete~~	73
~~Move From~~	0
Move To	0
Table Insert	0
~~Table Delete~~	0
Table moves to	0
~~Table moves from~~	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	155