



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1493/5/7/22 (T)

BETWEEN:

(1) FORTNUM & MASON PLC

(2) HEAL & SON LTD

(3) HEAL'S (1810) LIMITED

Claimants

- v -

(1) MASTERCARD INCORPORATED

(2) MASTERCARD INTERNATIONAL INCORPORATED

(3) MASTERCARD EUROPE S.A.

(4) MASTERCARD/EUROPAY U.K. LIMITED

Defendants

CONSENT ORDER

UPON the transfer of these proceedings (filed at the High Court under Claim No. BL-2013-000008) from the High Court of Justice to the Competition Appeal Tribunal pursuant to an Order of the Chancellor of the High Court dated 7 April 2022, and as re-amended on 13 September 2022 pursuant to CPR 40.12 by direction of Master Clark

AND UPON the Order of the President of the Competition Appeal Tribunal made by consent on 30 November 2022 ordering that these proceedings be stayed immediately upon service of the Amended Claim Forms in the proceedings (as may be re-amended prior to service pursuant to CPR 17.1(1)) under further order

AND UPON the joint application of the Claimants and the Defendants

AND UPON a confidential settlement having been agreed between the Claimants and the Defendants and those parties having agreed to make an application to withdraw the Claimants' claims against the Defendants in these proceedings

AND UPON the parties to this Order recognising the guidance of the Tribunal in its Ruling on Umbrella Proceedings Cost Sharing Orders, [2024] CAT 12:

(1) The effect of the settlement is that the Claimants cease to be a party to those proceedings. To the extent that the Tribunal has any costs jurisdiction over the settling Claimants (as to which this order says nothing), a costs order against the Claimants in favour of the Defendants may not be a just exercise of the Tribunal's costs discretion.

(2) Whilst the Defendants would be entitled, as appropriate, to seek costs orders against those claimants who have not settled ("**Non-Settling Claimants**"), the Tribunal will be reluctant to order such Non-Settling Claimants to pay costs that are attributable to the settling Claimants.

(3) The Tribunal may, accordingly, reduce the costs recoverable by the Defendants against the Non-Settling Claimants by an amount referable to the costs that would (but for the settlement) have been paid by the Claimants.

BY CONSENT IT IS ORDERED THAT:

1. The Claimants' claims be and are hereby withdrawn.
2. There shall be no order as to costs.

Mr Ben Tidswell

Chair of the Competition Appeal Tribunal

Made: 3 September 2026

Drawn: 3 September 2026