Neutral citation [2026] CAT 78

Case Nos: 1750/5/7/25
1752/5/7/25

IN THE COMPETITION APPEAL TRIBUNAL

Salisbury Square House
8 Salisbury Square
London EC4Y 8AP

19 October 2026

Before:

JUSTIN TURNER KC
(Chair)

Sitting as a Tribunal in England and Wales

BETWEEN:

DR ANDRES HERANE-VIVES

Claimant

- v -

(1) AXA PPP HEALTHCARE LIMITED
(2) AXA INSURANCE UK PLC

Defendants

And BETWEEN:

DR ANDRES HERANE-VIVES

Claimant

- v -

BUPA INSURANCE SERVICES LIMITED

Defendant

RULING (CMC ATTENDANCE)

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1. These proceedings were issued on 2 and 26 September 2025, respectively. An initial case management conference took place on 8 December 2025 at which the Claimant was warned by the Tribunal that this was potentially a complex piece of litigation, and that if the case failed the Claimant may have to pay the costs of the proceedings. He was encouraged to consider the balance between this potential exposure to costs and the potential benefits of the litigation. He was informed that litigation of this type tends to create anxiety in litigants because of its complexity and that litigants would ordinarily have access to specialist legal advice in order correctly to formulate such a claim.

2. I directed that this matter should be mediated and, if acceptable to the parties, Ordinary Members of the Tribunal would be made available to conduct that mediation. Those Ordinary Members would have no other involvement in the proceedings, and the mediation would be treated as confidential. An in-person mediation took place on 26 February 2026 and as yet these proceedings have not been resolved.

3. A case management conference is due to take place on 21 October 2026. The Claimant has requested that this hearing be held remotely and my understanding is that he also wishes that future hearings will be held remotely.

4. The practice of this Tribunal is that hearings ordinarily take place in-person. In-person communication is the preferred way of resolving complex arguments. The Tribunal will from time to time direct that hearings will be heard remotely but that is usually where the matter to be resolved is relatively straightforward and the Tribunal deems it disproportionate to require in-person attendance.

5. [✂]. The Claimant made an application on 5 October 2026 seeking various accommodations one of which was that he may attend the hearing by video link. This was refused. The Tribunal was, however, willing to accommodate other requests including that he be accompanied by a person to assist in note-taking and that short breaks be permitted.

6. [✂].

7. The application for a remote hearing having been refused, the Claimant renewed that application on 8 October, on 12 October, on 14 October, on 16 October and on 19 October 2026. [✂].

8. [✂].

9. [✂].

10. Having reviewed this matter, I rule that the Claimant is required to attend in person on 21 October 2026. There are four reasons for this. The first is that a remote hearing is less satisfactory which is why it is the practice of this Tribunal to have in-person hearings. The second is that, [✂], I am not satisfied that the Claimant will not be able to present his arguments. [✂]. Third, insofar as the Claimant has difficulty [✂], the Tribunal will be able to accommodate that to a degree by providing for breaks and ensuring the Claimant is provided with sufficient written materials. Fourth, the Tribunal will be in a much better position to assess the extent to which the Claimant is having difficulty [✂] if he is present in the Tribunal. It is far more difficult to make this sort of assessment by video link [✂].

Justin Turner KC
Chair

Charles Dhanowa CBE, KC (*Hon*)
Registrar

Date: 19 October 2026