



## IN THE COURT OF APPEAL, CIVIL DIVISION

REF: C1/2008/2257

C1 2008/2258

T Mobile (UK) Limited & Anr    --v--   Office of Communications  
 AND  
 Telefonica O2 UK Limited    --v--   Office of Communications

**ORDER made by the Rt. Hon. Lord Justice Carnwath**

On consideration of the appellant's notices and accompanying documents, but without an oral hearing, in respect of an application for permission to appeal and related applications

**Decision:** granted, refused, adjourned. An order granting permission may limit the issues to be heard or be made subject to conditions.

Granted

**Reasons**

The appeals raise issues of general importance which should be heard as soon as possible.

**Information for or directions to the parties**

Expedition is granted. The appeals must be listed for hearing on the first available date (taking account, if practicable, of counsel's availability) on or after 13 October 2008 with a time estimate of two days. The respondent shall serve its skeleton argument no later than seven days prior to the date of such hearing.

**Where permission has been granted, or the application adjourned**

- a) time estimate (excluding judgment): see above- 2 days.  
 b) any expedition: see above- yes

*By the Court*

Signed: *[Signature]*  
 Date: 7 October 2008

**Notes**

- (1) Rule 52.3(6) provides that permission to appeal may be given only where –
  - a) the Court considers that the appeal would have a real prospect of success; or
  - b) there is some other compelling reason why the appeal should be heard.
- (2) Rule 52.3(4) and (5) provide that where the appeal court, without a hearing, refuses permission to appeal that decision may be reconsidered at a hearing, provided that the request for such a hearing is filed in writing within 7 days after service of the notice that permission has been refused. Note the requirement imposed on advocates by paragraph 4.14A of the Practice Direction.
- (3) Where permission to appeal has been granted, the appeal bundle must be served on the respondents within 7 days of receiving this order (see para. 6.2 of the Practice Direction to CPR Part 52). A letter of notification will be sent to the appellant or his solicitors, as soon as practicable (see para. 6.3).