



IN THE COMPETITION APPEAL TRIBUNAL

Case No: 1109/6/8/09

BETWEEN:

BARCLAYS BANK PLC

Applicant

-v-

THE COMPETITION COMMISSION

Respondent

ORDER

UPON considering the report of the Competition Commission (“the Commission”) dated 29 January 2009 entitled “Market investigation into payment protection insurance” (“the Report”)

AND UPON reading the notice of application lodged by Barclays Bank plc (“Barclays”) under rules 8 and 25 of the Competition Appeal Tribunal Rules 2003 (S.I. No. 1372 of 2003) (“the Tribunal Rules”) on 30 March 2009

AND UPON reading the requests for permission to intervene from: (i) Shop Direct Group Financial Services Ltd (“SDGFS”) dated 9 April 2009, (ii) Lloyds Banking Group (“Lloyds”) dated 23 April 2009, (iii) the Financial Services Authority (“FSA”) dated 23 April 2009, and (iv) Ms Rosemary Clark, and her application for an extension of time to intervene, made on 27 April 2009, and the parties’ observations on those requests

AND UPON reading the submissions of the parties filed in advance of the case management conference

AND UPON hearing counsel for the parties and proposed interveners other than Ms Clark at a case management conference on 28 April 2009

IT IS ORDERED THAT:

1. Pursuant to rule 18 of the Tribunal Rules the proceedings be treated as proceedings in England and Wales
2. SDGFS, Lloyds and the FSA (together, “the interveners”) be granted permission to intervene in the proceedings, on condition that the interveners take all reasonable steps (including liaising with each other and the parties where necessary) to avoid duplication of submissions, and on condition that their intervention be limited to advancing argument and adducing evidence in support of, or as the case may be in opposition to, the grounds of application in Barclays’ notice of application
3. Ms Clark’s application for permission to intervene be refused
4. Barclays serve a non-confidential version of the notice of application and expert report of Professor George Yarrow on each of the interveners forthwith and serve a non-confidential copy of the supporting documents annexed to its notice of application on each of the interveners as soon as possible, and in any event no later than 4pm on 1 May 2009
5. The parties and interveners formulate and agree between themselves arrangements for the disclosure of confidential information and documents strictly necessary to the proceedings and submit the agreed arrangements to the Tribunal in the form of an agreed draft order as soon as possible, and in any event no later than 4pm on 5 May 2009
6. There be liberty to apply in respect of any application in relation to the compliance of Barclays’ notice of application with rule 8 of the Tribunal Rules and confidentiality until 4pm on 30 June 2009
7. In relation to the proceedings before the Tribunal:
 - a. Lloyds and SDGFS file and serve their respective statements of intervention and any accompanying evidence by 4pm on 29 May 2009
 - b. The Commission file and serve its defence and supporting materials by 4pm on 19 June 2009
 - c. The FSA file and serve its statement of intervention and any accompanying evidence by 4pm on 3 July 2009
 - d. Barclays file and serve its skeleton argument, reply to the defence and any response to the statements of intervention by 4pm on 13 July 2009

- e. Lloyds and SDGFS file and serve their respective skeleton arguments by 4pm on 17 July 2009
 - f. The Commission file and serve its skeleton argument by 4pm on 27 July 2009
 - g. The FSA file and serve its skeleton argument by 4pm on 31 July 2009
 - h. Barclays prepare an agreed bundle of documents to serve as the core bundle for the hearing, an agreed joint bundle of authorities to be referred to at the hearing with key sections flagged for reference and a report setting out those issues in respect of confidentiality that are agreed and not agreed
 - i. Barclays file six copies of the agreed bundle of documents and report in respect of confidentiality by 4pm on 3 July 2009
 - j. Barclays file six copies of the agreed bundle of authorities by 4pm on 7 August 2009
8. A hearing be listed for 7 September 2009 with a time estimate of four days
9. Costs be reserved
10. There be liberty to apply

The Honourable Mr Justice Briggs
Chairman of the Competition Appeal Tribunal

Made: 28 April 2009
Drawn: 29 April 2009