



Neutral Citation: [2016] CAT 7

Case No: 1246/8/3/16

IN THE COMPETITION
APPEAL TRIBUNAL

B E T W E E N:

BRITISH TELECOMMUNICATIONS PLC

Appellant

- and -

OFFICE OF COMMUNICATIONS

Respondent

- and-

SKY UK LIMITED

Intervener

ORDER

UPON reading the Respondent's application by letter dated 17 May 2016 seeking a three day extension of the time period for filing and service of the Defence; that letter indicating that the application was not opposed by the Intervener provided that the time period for it to file and serve its Statement of Intervention would be extended by a similar period of time

AND UPON reading the observations of the Appellant, who does not object to the extension sought provided that the timetable is adjusted to avoid reducing the time available for it to prepare and file its Reply to the Defence and Statement of Intervention

AND HAVING REGARD TO the Order dated 25 February 2016 listing a further case management conference in these proceedings for 7 July 2016 and a fixing a hearing for 3-14 October 2016

AND HAVING REGARD TO Rule 19 of the Competition Appeal Tribunal Rules 2015 (S.I. 2015 No. 1648)

IT IS ORDERED THAT:

1. The Respondent is granted a two-day extension of the time in which to file and serve its Defence, until 5pm on 26 May 2016; the request for a further extension is refused
2. The Intervener is not granted an extension of the time in which to file and serve its Statement of Intervention
3. The Appellant is granted a two day extension of the time in which to file and serve its Reply, until 5pm on 30 June 2016.

REASONS

The appeal was filed on 20 January 2016; following disclosure, the Appellant filed its amended Notice of Appeal on 3 May 2016. The amendments were not extensive, and by Order dated 5 May 2016, the Appellant was given permission to amend its Notice of Appeal.

In its application, the Respondent explains that it is requesting the extension of time because of significant pressures on its external Counsel who is appearing before the Tribunal in Case 1245/3/3/16 at a hearing which is expected to conclude on 25 May 2016; that hearing was listed by Order dated 12 February 2016. Moreover, the Respondent explains that two members of its external counsel team in these proceedings are involved in separate judicial review proceedings, with a deadline for filing of the defence that fell due on 18 May 2016.

The Guide to Proceedings 2015 states that an extension of time for the filing of the defence will only be granted if the circumstances are exceptional (paragraph 4.83).

The Respondent and Intervener (as well as the Appellant) have had a considerably longer time than is usual for the preparation of pleadings. The various factors which are now leading to pressure on the Respondent's external Counsel have not arisen unexpectedly. Given this, and the fact that the amendments to the Notice of Appeal were not extensive, it is difficult to understand why an extension for filing the defence is now required.

The cumulative effect of granting all the requested extensions is that, as the Appellant points out, it is likely to become necessary to postpone the case management conference that has been listed for 7 July 2016, with the further likely consequence that the hearing for this case would be delayed. It should also be borne in mind that the Tribunal's preparation for the case management conference might be

hampered if there were insufficient time between the filing of the Reply and the date of the case management conference.

In these circumstances, the Tribunal is willing to grant only the extensions as provided for in this Order.

Peter Freeman CBE QC (Hon)
Chairman of the Competition Appeal Tribunal

Made: 19 May 2016
Drawn: 19 May 2016