

TUESDAY 13TH NOVEMBER 2018

IN THE COURT OF APPEAL

ON APPEAL FROM THE OTHER TRIBUNAL

12667716

BEFORE LORD JUSTICE PATTEN
AND LORD JUSTICE HAMBLEN
AND LORD JUSTICE COULSON

B E T W E E N

WALTER HUGH MERRICKS CBE

APPELLANT

- and -

1. MASTERCARD INCORPORATED
2. MASTERCARD INTERNATIONAL INCORPORATED
3. MASTERCARD EUROPE S.P.R.L.

RESPONDENT

AND IN THE HIGH COURT OF JUSTICE

Claim No: CO/5003/2017

QUEEN'S BENCH DIVISION

ADMINISTRATIVE COURT

IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW

Before: Lord Justice Patten, Lord Justice Hamblen, and Lord Justice Coulson (sitting as Judges of the Administrative Court)

BETWEEN:

THE QUEEN ON THE APPLICATION OF WALTER HUGH MERRICK CBE

APPLICANT

- and -

THE COMPETITION APPEAL TRIBUNAL

RESPONDENT

- and -

1. MASTERCARD INCORPORATED
2. MASTERCARD INTERNATIONAL INCORPORATED
3. MASTERCARD EUROPE S.P.R.L.

INTERESTED
PARTIES

UPON the Appellant's Notice issued by the Appellant in Court of Appeal Ref C3/17/2778 (the '**Application for Permission to Appeal**')

AND UPON the Judicial Review Claim Form issued by the Applicant in Claim No: CO/5003/2017 dated 30 October 2017 (the '**Application for Judicial**



COURT 74
Application No.

C3/2017/2778



Review')

AND UPON the hearing listed in these matters on 31 October 2018

AND UPON hearing from Leading Counsel for the Appellant/Applicant and Leading Counsel for the Respondents in the Application for Permission to Appeal/Interested Parties in the Application for Judicial Review

IT IS ORDERED THAT:

1. The Application for Permission to Appeal is adjourned to a 2-day rolled-up hearing on dates to be fixed with the Appeal to follow if permission is granted.
2. The Application for Judicial Review is dismissed with costs in the appeal.
3. The costs of the preliminary issue on jurisdiction are to be the Appellant's costs in any event. The remainder of the costs of the Application for Permission to Appeal are costs in the appeal.



(The Court sat on 31st October 2018 from 10.42 to 13.07)

By the Court

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ON APPEAL FROM THE OTHER TRIBUNAL

ORDER

Copies to:

Freshfields Bruckhaus Deringer LLP
65 Fleet Street
London
EC4Y 1HS
Ref: 168071-0001

Quinn Emanuel Urquhart & Sullivan UK LLP
90 High Holborn
London
WC1V 6LJ
Ref: BB/NCH/JWB/07078-00001

Competition Appeal Tribunal
Victoria House
Bloomsbury Place
London WC1A 2EB

QUEEN'S BENCH DIVISION ADMINISTRATIVE COURT
REF: C0/5003/2017
*

* This order was drawn by A Marie Smith (Associate) to whom all enquiries regarding this order should be made. When communicating with the Court please address correspondence to A Marie Smith, Civil Appeals Office, Room E307, Royal Courts of Justice, Strand, London WC2A 2LL (DX 44450 Strand) and quote the Court of Appeal reference number. The Associate's telephone number is