

TUESDAY 16TH APRIL 2019

IN THE COURT OF APPEAL

ON APPEAL FROM THE OTHER TRIBUNAL

12667716



BEFORE LORD JUSTICE PATTEN
LORD JUSTICE HAMBLÉN
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

COURT 74
Application No.

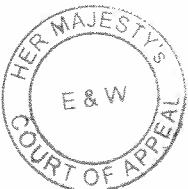
C3/2017/2778

UPON HEARING Paul Harris QC, Marie Demetriou QC and Victoria Wakefield QC for the Appellant; and Mark Hiskins QC, Matthew Cook, Hugo Leith and Jon Lawrence for the Respondents;

AND UPON the Court handing down judgment in this appeal on 16 April 2019;

IT IS HEREBY ORDERED THAT:

- (1) The appeal is allowed
- (2) The ruling of the Competition Appeal Tribunal refusing certification ([2017] CAT16) is set aside.



(3) The application for a collective proceedings order is remitted to the Competition Appeal Tribunal.

(4) Permission to appeal to the Supreme Court is refused.

(5) The Respondents shall pay to the Appellant:

a) The costs of and occasioned by the appeal and application or judicial review (save for the costs of the preliminary issue on jurisdiction as to which see paragraph 7 below), to be assessed by detailed assessment forthwith if not agreed.

b) an interim payment of £315,000 on account of such costs within 28 days of the date hereof.

(6) As to the costs of the preliminary issue on jurisdiction, which are the Appellant's by virtue of paragraph 3 of the order of 13 November 2018:

a) they shall be assessed forthwith if not agreed alongside the costs payable by the Respondents pursuant to paragraph 5 of this Order: and

b) The respondents shall pay an interim payment of £45,000 on account of such costs within 14 days hereof.

(7) The ruling of the Competition Appeal Tribunal in respect of costs ([2017] CAT 27) is set aside.

(8) The costs of the ruling of the Competition Appeal Tribunal refusing certification are reserved to the Competition Appeal Tribunal pending final determination of the Appellant's application for a collective proceedings order.



(9) The Respondents shall pay interest on the costs payable pursuant to paragraphs 5 and 6 of this order:

- a) from the date on which each fee invoice was paid until the date hereof, at the rate of base plus 2% per annum;
- b) from the date of this order until full payment is received, at the judgment debt rate of 8% per annum.



By the Court

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WALTER HUGH MERRICKS CBE

- and -

MASTERCARD INCORPORATED

- and -

MASTERCARD INTERNATIONAL INCORPORATED

- and -

MASTERCARD EUROPE S.P.R.L

ORDER

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* This order was drawn by I Norrish (Associate) to whom all enquiries regarding this order should be made. When communicating with the Court please address correspondence to I Norrish, 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 020 7947 7856