



**IN THE COMPETITION**  
**APPEAL TRIBUNAL**

Case: 1335/5/7/19

BETWEEN:

**STRIDENT PUBLISHING LIMITED**

Pursuer

- v -

**CREATIVE SCOTLAND**

Defender

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**ORDER**

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**UPON** reading the claim form and fast-track application filed by the Pursuer on 5 November 2019

**AND UPON** considering the Pursuer's request for permission to be represented by its sole director and owner, Mr Keith Charters, pursuant to Rule 8 of the Competition Appeal Tribunal Rules 2015 (the "Tribunal Rules")

**AND UPON** reading the Defender's application pursuant to Rule 34 and/or Rule 41 of the Tribunal Rules dated 29 November 2019 (the "Defender's Application") and the Pursuer's reply dated 12 December 2019

**AND UPON** considering the Pursuer's request to amend the claim form to bring a claim based on Chapter II of the Competition Act 1998

**AND UPON** hearing oral submissions at a case management conference on 16 December 2019

**IT IS ORDERED THAT:**

## **Forum**

1. Pursuant to Rules 18 and 52 the proceedings be treated as proceedings in Scotland.

## **Amendments to claim form**

2. The Pursuer is granted permission to amend the claim form and to file and serve the same by 4pm on 30 December 2019.

## **Preliminary issue**

3. The Defender's Application be heard as a preliminary issue.
4. The wording for the preliminary issue to be determined in these proceedings is as follows:

Whether the Defender is an "undertaking" for the purpose of s.18 and/or s. 2 of the Competition Act 1998.

5. The Defender file and serve a statement of facts and skeleton argument and produce any documents upon which it relies by 4pm on 20 January 2020.
6. By 4pm on 3 February 2020 the Pursuer file and serve a response to the Defender's statement of facts and skeleton argument:
  - (i) indicating any agreement or disagreement with the Defender's statement of facts;
  - (ii) putting forward any alternative factual case; and
  - (iii) producing any documents upon which it relies which have not been produced by the Defender.
7. A hearing of the preliminary issue is listed for 2 March 2020 at 10am.

## **Representation**

8. The Pursuer is granted permission to be represented by Mr Charters until the conclusion of the preliminary issue stage of the proceedings.

**Fast-track application**

9. Determination of the Pursuer's fast-track application is reserved until the conclusion of the preliminary issue stage of the proceedings.

**General**

10. Expenses be reserved.
11. There be liberty to apply.

**The Honourable Lord Doherty**  
Chairman of the Competition Appeal Tribunal

Made: 16 December 2019  
Drawn: 17 December 2019