



IN THE COMPETITION
APPEAL TRIBUNAL

Case No:

BETWEEN:

JD SPORTS FASHION PLC

Applicant

- v -

COMPETITION AND MARKETS AUTHORITY

Respondent

ORDER
(EXTENSION OF TIME TO FILE NOTICE OF APPEAL)

UPON the application by JD Sports Fashion plc (“JD Sports”) dated 19 August 2020 for an extension of time to file a notice of appeal in respect of the decision of the Competition and Markets Authority (“CMA”) of 5 August 2020 to impose a penalty on Pentland Group Limited and JD Sports under section 94A of the Enterprise Act 2002 (the “Decision”)

AND UPON the CMA indicating that it does not object to the extension request

AND HAVING REGARD TO Rules 28(1) and 19(2)(m) of the Tribunal Rules and the Practice Direction relating to Covid-19 published on 20 March 2020

IT IS ORDERED THAT:

1. The time for JD Sports to file a notice of appeal in respect of the Decision is extended to 5 pm on 1 September 2020.
2. There be liberty to apply.

REASONS:

1. The extension sought is only for 7 days and I am satisfied that the circumstances are exceptional.

2. The Applicant's solicitors have indicated in a letter to the Tribunal dated 19 August 2020 that there is doubt between the parties as to the date on which the Applicant was notified of the Decision. The CMA contends that the Decision was notified to the Applicant on 29 July 2020 which would mean that the 28 day deadline to appeal the Decision would be Tuesday 25 August 2020. The Applicant contends that a copy of the Decision (unsigned and with square brackets) was provided expressly to allow it to make confidentiality representations. The Applicant considers that it was notified of the Decision on 5 August 2020 and that the 28 day deadline to file an appeal with the Tribunal is 1 September 2020.
3. The Applicant has further indicated that the current situation concerning Covid-19 has adversely affected the ability of its team to file an appeal by 25 August 2020, and whilst it is confident that the deadline for the appeal is 1 September, a one week extension from 25 August to 1 September would put the matter beyond all doubt.
4. The alternative course of filing a notice of appeal in a less than final form and applying to amend it at a later stage would likely lead to additional delay and/or duplication of work in this case.
5. The CMA as the proposed respondent to any appeal has indicated that, whilst it maintains its position, it does not object to the application for an extension of time.

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

Made: 19 August 2020
Drawn: 19 August 2020