



Claim No. CL-2017-000306

CL-2017-000306

**IN THE HIGH COURT OF JUSTICE**  
**BUSINESS AND PROPERTY COURTS OF**  
**ENGLAND AND WALES**  
**COMMERCIAL COURT (QBD)**

**BEFORE The Honourable Mr Justice  
Butcher**

**DATED 19<sup>th</sup> October 2020**

**B E T W E E N:**

**RICHER SOUNDS PLC**

**Claimant**

**and**

**(1) MASTERCARD INCORPORATED**  
**(2) MASTERCARD INTERNATIONAL**  
**INCORPORATED**  
**(3) MASTERCARD EUROPE SA**

**Defendants**

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**CONSENT ORDER**

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**HAVING REGARD TO** section 16 of the Enterprise Act 2002 (as amended) (the "2002 Act") and to the Section 16 Enterprise Act 2002 Regulations 2015 (the "2015 Regulations")

**AND HAVING REGARD TO** paragraphs 8.3 - 8.6 and 8.10 - 8.13 of Practice Direction 30, supplementing CPR Part 30 ("**Practice Direction 30**")

**AND HAVING REGARD TO** the overriding objective in CPR Rule 1.1

**AND UPON** the parties having agreed to this Order in draft form

**AND UPON** the Court concluding, in the light of all the circumstances of the case, including the wishes of the parties, that it is appropriate to make an order pursuant

to section 16(1) of the 2002 Act together with Regulation 2 of the 2015 Regulations in respect of these proceedings, and noting that this Court may give such directions or make such order as it thinks fit to give effect to the determination of any issue by the Tribunal pursuant to Regulation 2(b) of the 2015 Regulations,

**IT IS ORDERED** that:

1. These proceedings are transferred to the Competition Appeal Tribunal (the "**CAT**") pursuant to section 16(1) of the 2002 Act and Regulation 2 of the 2015 Regulations.
2. Pursuant to paragraph 3 of Practice Direction 30, this Order shall take effect forthwith.
3. The sending of this Order to the parties and to the CAT shall constitute notice to them for the purposes of paragraphs 8.5 and 8.12 of Practice Direction 30 and CPR Rule 30.4(1).
4. Costs in the case.

**For the avoidance of doubt**, neither this Order giving effect to the said transfer, nor the transfer itself, is intended to alter, limit or exclude in any respect any element of the claimant's claim as constituted in this Court prior to the transfer taking effect. If and to the extent that any element of the claimant's claim as constituted in this Court prior to the transfer taking effect is not capable of falling within the jurisdiction of the CAT on a transfer, or would be altered, limited or excluded by this Order or the transfer, it is not subject to this Order and remains within the jurisdiction of this Court. This Court may give such further directions or make such further order as it thinks fit in connection with the transfer and/or with any element as referred to above.

**For the further avoidance of doubt**, any order determining any issue in these proceedings shall be made by this Court and any appeal therefrom may be made pursuant to CPR Part 52.