



IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
COMPETITION LIST (ChD)

MASTER KAYE

HC-2017-001706

25 NOVEMBER 2020

B E T W E E N:

**CAPRICE HOLDINGS LIMITED
AND OTHERS**

Claimants

and

**(1) MASTERCARD INCORPORATED
(2) MASTERCARD INTERNATIONAL
INCORPORATED
(3) MASTERCARD EUROPE SA
(4) MASTERCARD/EUROPAY UK LIMITED**

Defendants

CONSENT ORDER

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 claimants' claim as constituted in this Court prior to the transfer taking effect. If and to the extent that any element of the claimants' 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.

Service of the Order

The Court has provided a sealed copy of the Order to the serving party: Jones Day of 21 Tudor Street, London EC4Y 0DJ, 020 7039 5959 (Ref: NPC/934740-665001).