



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

Case: 1418/5/7/21

BETWEEN:

**BLUE PLANET HOLDINGS LIMITED**

Pursuer

- v -

**(1) ORKNEY ISLANDS COUNCIL**  
**(2) ORKNEY FERRIES LIMITED**  
**(3) SINCLAIR HAULAGE LIMITED**

Defenders

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**ORDER**

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**UPON** the Tribunal's order dated 21 February 2022 further to the case management conference of the same date (the "CMC Order")

**AND UPON** the Pursuer's request for documents dated 23 February 2022 in accordance with paragraphs 11 and 12 of the CMC Order (the "Pursuer's Request for Documents")

**AND UPON** the Third Defender's submissions in response to the Pursuer's Request for Documents dated 12 March 2022

**AND UPON** the First and Second Defenders' submissions in response to the Pursuer's Request for Documents dated 14 March 2022

**UPON** the Pursuer's application for permission to amend its claim form as filed on 14 March 2022

**AND UPON** the Pursuer's request dated 16 March 2022 to withdraw its application of 14 February 2022

**AND UPON** the Pursuer's request for information dated 22 March 2022 (the "Information Request")

**AND UPON** reading the Pursuer's written submissions filed in advance of, and hearing oral submissions from the parties at a hearing on 23 March 2022

**IT IS ORDERED THAT:**

**Application to amend Claim Form**

1. Pursuant to rule 32(1)(b) of the Competition Appeal Tribunal Rules 2015, the Pursuer be permitted to amend the Claim Form in the form provided to the Tribunal and the Defenders on 14 March 2022.
2. The Pursuer must file and serve the amended Claim Form within 14 days of the date of this Order.

**Pursuer's request to withdraw its application of 14 February 2022**

3. The Pursuer has permission to withdraw its application of 14 February 2022.
4. The CMC Order is amended such that:
  - (a) Paragraph 5(a) is deleted; and
  - (b) The reference to the consideration of the "Pursuer's Application" in paragraph 9 is deleted.

**Pursuer's Request for Documents and Information Request**

5. By 5pm on 1 April 2022, the First and Second Defenders shall file and serve:
  - (a) copies of all agreements, documents and correspondence between the First Defender and JBT Distribution Limited; and
  - (b) a list of all hauliers that received discounted fares on the Kirkwall to Sanday to Kirkwall routes in the last ten years and, in the case of each haulier, the amount of those discounts broken down on a year-by-year basis.

6. The request in paragraph 2 of the Pursuer's Request for Documents is refused in hoc statu.
7. The remaining requests as contained in the Pursuer's Request for Documents are refused.
8. The Pursuer's Information Request is refused.

**Other**

9. No order as to expenses.
10. There be liberty to apply.

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

Made: 23 March 2022  
Drawn: 24 March 2022