



Neutral citation [2015] CAT 11

IN THE COMPETITION
APPEAL TRIBUNAL

Case No.: 1230/6/12/14

Victoria House
Bloomsbury Place
London WC1A 2EB

15 June 2015

Before:

THE RIGHT HONOURABLE LORD JUSTICE SALES
(Chairman)
CLARE POTTER
DERMOT GLYNN

Sitting as a Tribunal in England and Wales

BETWEEN:

FEDERATION OF INDEPENDENT PRACTITIONER ORGANISATIONS

Applicant

-v-

COMPETITION AND MARKETS AUTHORITY

Respondent

RULING (PERMISSION TO APPEAL)

1. On 29 April 2015, the Tribunal handed down its judgment (“the Judgment”) dismissing, by majority, an application for judicial review of certain parts of the report produced by the Competition and Markets Authority into the provision of private healthcare: [2015] CAT 8. This ruling uses the same abbreviations as are set out in the Judgment.
2. On FIPO’s application dated 29 May 2015 for permission to appeal in respect of the Tribunal’s substantive decision on the merits of FIPO’s challenge under section 179 of the 2002 Act, the said permission to appeal is granted. In view of the differences between the majority and the dissenting member in the Judgment, the appeal has a real prospect of success and, further, there is a general public interest in having guidance from the Court of Appeal as to the proper approach to be adopted to assessment of economic analysis in respect of such a challenge.
3. Accordingly, we unanimously grant permission to appeal.

The Rt Hon Lord Justice
Sales (Chairman)

Dermot Glynn

Clare Potter

Charles Dhanowa OBE, QC (*Hon*)
(Registrar)

Date: 15 June 2015