



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

Case No.: 1228/6/12/14

**BETWEEN**

**AXA PPP HEALTHCARE LIMITED**

Applicant

**-v-**

**COMPETITION AND MARKETS AUTHORITY**

Respondent

**-and-**

**THE LONDON CLINIC**  
**BRITISH MEDICAL ASSOCIATION**  
**BUPA INSURANCE LIMITED**  
**ASSOCIATION OF ANAESTHETISTS OF GREAT BRITAIN AND IRELAND**  
**GUY'S AND ST THOMAS' NHS TRUST**

Intervenors

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**ORDER**

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**UPON** the Tribunal having directed by Order dated 12 January 2015 (“the Remittal Order”) that the following decisions as contained in the “*Private healthcare market investigation: Final report*” dated 2 April 2014 (“the Final Report”), which were the subject of challenge by HCA International Limited (“HCA”) in Case No. 1229/6/12/14, be quashed:

- a. the CMA’s finding of adverse effects on competition in the markets for the provision of hospital services in respect of insured patients in central London (“the insured AEC decision”), as defined in the Remittal Order and as described in the second sentence of paragraph 10.5 of Final Report; and

- b. the CMA's divestiture remedy, by which HCA was required to divest itself of two of its hospitals in central London ("the divestment decision"), as defined in the Remittal Order and as described in paragraphs 11.132, 13.1(a) and 13.48 of the Final Report

**AND UPON** the Tribunal having also directed by way of the Remittal Order that:

- a. the insured AEC decision and the divestment decision be remitted to the Competition and Markets Authority ("the CMA") for reconsideration; and
- b. Grounds 1 and 2 of AXA PPP Healthcare Limited's ("AXA PPP") Notice of Application dated 30 May 2014 be stayed, and the costs in respect of these grounds reserved, pending reconsideration of the insured AEC decision and the divestment decision

**AND UPON** the CMA having published the "*Private Healthcare Remittal: Final Report*" on 5 September 2016 ("the Remittal Report")

**AND UPON** AXA PPP having decided not to challenge the Remittal Report

**AND UPON** AXA PPP having applied to withdraw Grounds 1 and 2 of its application for review pursuant to Rule 12 of the Competition Appeal Tribunal Rules 2003 (S.I. No. 1372 of 2003) ("the 2003 Rules")

**AND UPON** the term of the Chairman hearing these proceedings, Sales LJ, having come to an end

**AND UPON** there being no objection to the proposed withdrawal of the application for review

**IT IS HEREBY ORDERED THAT:**

1. Pursuant to Rule 19(1) of the 2003 Rules and the need to secure the just, expeditious and economical conduct of the proceedings, the proceedings be transferred to a Tribunal consisting of the President, Dermot Glynn and Clare Potter
2. Grounds 1 and 2 of AXA PPP's application for review shall be withdrawn
3. There shall be no order as to costs

The Hon. Mr Justice Roth  
(President)

Dermot Glynn

Clare Potter

Charles Dhanowa O.B.E., Q.C. (Hon)  
(Registrar)

Date: 6 April 2017