



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1266/7/7/16

BETWEEN:

WALTER HUGH MERRICKS CBE

Class Representative

- and -

(1) MASTERCARD INCORPORATED

(2) MASTERCARD INTERNATIONAL INCORPORATED

(3) MASTERCARD EUROPE S.A. (formerly Mastercard Europe S.P.R.L)

Defendants

- and -

INNSWORTH CAPITAL LIMITED

Intervener

- and -

THE ACCESS TO JUSTICE FOUNDATION

Proposed Intervener

ORDER (INTERVENTION)

UPON the Class Representative and the Defendants (the “**Parties**”) entering into a proposed settlement agreement on 3 December 2024 by which they agreed to settle the proceedings between them (the “**Collective Proceedings**”)

AND UPON the joint application by the Parties filed on 17 January 2025 for a collective settlement approval order (the “**CSAO Application**”) pursuant to Rule 94 of the Competition Appeal Tribunal Rules 2015 (“the **Rules**”)

AND UPON the application dated 27 January 2025 by the Access to Justice Foundation (the “**Foundation**”), the Proposed Intervener, for permission to intervene in the Collective Proceedings (the “**Intervention Application**”)

AND UPON there being no objection to the Intervention Application

IT IS ORDERED THAT:

1. The Foundation is granted permission pursuant to rule 16 of the Rules to intervene in the Collective Proceedings, limited to a written statement of intervention regarding the determination of the CSAO Application.
2. The Foundation shall file its statement of intervention (limited to 15 pages) and any evidence on which it wishes to rely by 4pm on 7 February 2025.
3. The Parties and the Intervener shall serve on the Foundation non-confidential copies of any documents filed with the Tribunal concerning the CSAO Application from now onwards.

REASONS:

The Foundation has a sufficient interest in the outcome of the CSAO Application. It is identified in the CSAO Application as a potential recipient of a part of settlement monies and, if the CSAO Application were refused and the Collective Proceeding continued to trial, insofar as the Tribunal awarded damages the Foundation is specified as the potential recipient of undistributed damages pursuant to s. 47C(5) of the Competition Act 1998. It is notable that neither the Class Representative nor the Defendants object to intervention by the Foundation.

The Honourable Mr Justice Roth
Acting President of the Competition Appeal Tribunal

Made: 29 January 2025
Drawn: 29 January 2025