



**In the High Court of Justice
King's Bench Division
Administrative Court**

AC-2026-LON-003660



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In the matter of an application for judicial review

THE KING

on the application of

- (1) RYANAIR DAC**
- (2) RYANAIR UK LIMITED**
- (3) RYANAIR HOLDINGS PLC**

Claimant

-and-

COMPETITION AND MARKETS AUTHORITY

Defendant

-and-

- (1) CIVIL AVIATION AUTHORITY**
- (2) SECRETARY OF STATE FOR BUSINESS, TRADE, INNOVATION AND
SCIENCE**

Interested Parties

On an application by the Claimant for interim relief

Following consideration of the documents lodged by the Claimant on 6 August 2026 and the letter, submissions and draft order filed by the Defendant on 10 August 2026

ORDER BY THE HON. MR JUSTICE CHAMBERLAIN

1. Case management: Procedural decisions in this claim are reserved to the Judge in Charge of the Administrative Court ("JiC") or a judge nominated by him.
2. Case management:
 - (a) Grounds 2 and 3 in this claim raise issues which overlap substantially with those in AC-2026-LON-001128 *R (HTY) v Competition and Markets Authority* ("**HTY**"), in which the court has ordered an expedited rolled-up hearing on a date to be fixed after consultation with counsels' clerks before the end of the Michaelmas

Term 2026.

- (b) Accordingly, this Order is to be served by the Administrative Court Office on the Claimants in *HTY*.
- (c) Additionally:
 - (i) unless by 4pm on 14 August 2026 the Claimants in this case file and serve a reasoned notice of their objection to this course (taking into account the provisions of CPR 5.4C), the Administrative Court Office is to serve the Claim Form and Statement of Facts and Grounds in this case on the Claimants in *HTY*;
 - (ii) unless by 4pm on 14 August 2026 the Claimants in *HTY* serve a reasoned notice objecting to this course (taking into account the provisions of CPR 5.4C), the Administrative Court Office is to serve a copy of the Claim Form and Statement of Facts and Grounds in that case (redacted so as not to reveal the identities of the Claimants) on the Claimants and Interested Parties in this case.
- (d) If in either case such an objection is filed, it must be copied to the JiC's clerk by email at Danielle.Jarvis@justice.gov.uk and is to be referred immediately to the JiC or a judge nominated by him.
- (e) The Claimants in this case and the Claimants in *HTY* may by 4pm on 21 August 2026 file and serve (copied to the JiC's clerk by email at Danielle.Jarvis@justice.gov.uk) written submissions as to whether the Court should:
 - (i) adjourn the application for permission to apply for judicial review to a rolled-up hearing, with the hearing of the substance to follow immediately if permission is granted (in which case the case will be listed together with the rolled-up hearing in in AC-2026-LON-001128 *R (HTY) v Competition and Markets Authority ("HTY")*, which raises overlapping issues); or
 - (ii) stay the claim pending judgment in *HTY*; or
 - (iii) take some other procedural course.
- (f) The Defendant and Interested Parties may file and serve (copied to the JiC's clerk by email at Danielle.Jarvis@justice.gov.uk) written submissions in response by 28 August 2026.
- (g) The JiC or a judge nominated by him will give further directions for the management of this case in the week commencing 1 September 2026.

3. Interim relief: The Claimants' application for interim relief is refused.

REASONS

Case management

- (1) Grounds 2 and 3 overlap substantially with the grounds in *HTY*. On the face of it, that supplies a sufficient reason for this claim to be either (i) heard together with *HTY* or (ii) stayed pending resolution of *HTY*. The Defendant's response to ground 1 has apparent force, but I decline to determine the application for permission to apply for judicial review on that ground at this stage. It would be more convenient for that ground to be determined with the others. The directions I have given allow for a considered paper decision on case management, taking into account submissions from all parties in both cases.

Interim relief

- (2) I have determined the application for interim relief on the papers at the invitation of the Claimants in para. 28(a) of their Skeleton Argument.
- (3) I am prepared to accept for present purposes, without deciding, that each of the grounds raises a serious issue to be tried—and that damages are unlikely to be available and so would not be an adequate remedy. However, in the light of the Defendant's comprehensive response to the claim, I do not accept that any of the grounds is particularly strong.
- (4) Even if I had considered that any of the grounds was strong, I would have concluded that the balance of convenience falls firmly against the grant of interim relief.
- (5) The balance of convenience involves weighing two harms: (i) the harm that would be done to public and private interests in the scenario where interim relief is granted but the claim later fails and (ii) the harm that would be done to the Claimants' private interests in the scenario where interim relief is refused but the claim later succeeds.
- (6) As to harm (i), in *R (FTDI Holding Ltd) v Chancellor of the Duchy of Lancaster* [2025] EWHC 241 (Admin) at [15], Singh LJ and I observed that in public law cases there is a public interest in allowing a public authority to exercise its powers in what it considers to be a lawful manner. At [17], we noted: "The weight to be accorded to this public interest will vary from context to context, but may be considerable. In many cases, the claimant would need to point to something very compelling to outweigh it."
- (7) This is such a case. Here, the Defendant has exercised statutory powers conferred by Parliament for the protection of consumers. The challenged notices are presumed to be valid unless and until a court rules otherwise. One of the Defendant's aims in issuing the challenged notices is to investigate whether there are grounds for requiring the Claimants to provide redress to consumers. Another is to settle what the

Defendant regards as “important questions”, whose resolution may be of benefit to consumers in this and other fields.

- (8) I reject the submission that the relatively short extensions of the time for compliance with the notices, granted by the Defendant for pragmatic reasons, show that a further delay would not cause material prejudice. Interim relief pending the resolution of the substantive issues would have to be in place for many months. A delay of many months to the possible benefits outlined at para. (7) above would cause real harm to the public interest and to the private interests of the consumers whose interests the Defendant is required by Parliament to protect.
- (9) As to harm (ii), the prejudice which the Claimants say they will suffer if the notices are allowed to stand is overstated. If the Claimants choose to comply with the notices, they will have to provide information to the Defendant, but were the claim later to succeed, the Court could in principle grant relief limiting the use that the Claimant could make of this information, as the Defendant points out at para. 33 of its Submissions of 10 August.
- (10) In any event, the Claimants could choose not to comply with the notices. In that case, enforcement of the notices under the statutory scheme in paras 16, 16A and 16B-C of Sch. 5 to the Consumer Rights Act 2015 would involve a court process in which the Claimants’ arguments would be heard before any coercive orders were made. A penalty would follow only if: (i) the Defendant decides to proceed by a route which gives rise to a penalty; and (ii) a court finds that they failed to comply with the notices “without reasonable excuse”. In the scenario where this claim succeeds (which is the scenario under consideration for these purposes), it is difficult to see how that could happen. Insofar as the Claimants decide not to take the risk that a penalty would be imposed, that would presumably reflect a judgment on their part own about how the well-founded (or otherwise) their challenge to the notices is.
- (11) I have considered carefully the Claimants’ concern that information provided to the Defendant might be passed on the Civil Aviation Authority (“CAA”). This is speculative, given the Defendant’s assurance that it has no current plans to share information received with the CAA. In the unlikely event that the Defendant came into possession of information which it considered itself bound to share with the CAA, that is likely to be because that information is relevant to the CAA’s functions, which are also exercised in the interests of air travellers and the public at large. Relief which prevented the Defendant from sharing such information even in those unlikely circumstances would be likely to give rise to separate harm to the public interest.

Signed: MR JUSTICE CHAMBERLAIN

Date: 10/08/26

The date of service of this order is calculated from the date in the section below

For completion by the Administrative Court Office

Sent to:

The Claimant / The Claimant's solicitors []

The Defendant / The Defendant's solicitors []

The Interested party / The Interested Party's solicitors []

Date: 10/08/2026