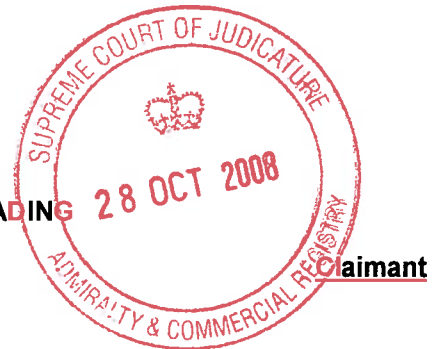


IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
COMMERCIAL COURT

Before Mr Justice Andrew Smith (In Public)

BETWEEN

THE OFFICE OF FAIR TRADING



Claimant

-and-

- (1) ABBEY NATIONAL PLC**
- (2) BARCLAYS BANK PLC**
- (3) CLYDESDALE BANK PLC**
- (4) HBOS PLC**
- (5) HSBC BANK PLC**
- (6) LLOYDS TSB BANK PLC**
- (7) NATIONWIDE BUILDING SOCIETY**
- (8) THE ROYAL BANK OF SCOTLAND GROUP PLC**

Defendants

ORDER

- (1) UPON HEARING** Counsel for the Claimant and Counsel for each of the Defendants at a hearing on 17, 18, 21, 22, 23, 24, 28, 29, 30 and 31 January and 4, 5, 6 and 8 February 2008 and at further hearings on 24 April 2008, on 22 and 23 May 2008, on 7, 8 and 9 July 2008 and on 8 October 2008;
- (2) AND UPON** the Court having stated its conclusions on certain issues in the proceedings in its Judgment dated 24 April 2008 (the "Judgment");
- (3) AND UPON** the Court having made an order containing declarations on certain issues in the proceedings on 12 June 2008 (the "June Order");

- (4) AND UPON the Claimant and the Defendants agreeing that the reasons expressed in the Judgment for making the declaration contained in paragraph 1(A) of the June Order also apply to the contractual terms referred to in the declaration contained in paragraph 1 of this order;
- (5) AND UPON the Court having made an order containing declarations on certain issues in the proceedings in relation to the Seventh Defendant on 1 July 2008, a copy of which is at Annex 1 (the "Nationwide Order");
- (6) AND UPON the Court having stated its conclusions on certain issues in the proceedings in its Judgment dated 8 October 2008

IT IS HEREBY DECLARED THAT:

1. An assessment of fairness of the personal current account contractual terms contained in the documents listed in Schedule 1 to this order which make provision for the charges identified in Schedule 1 to this order would not relate (a) to the definition of the main subject matter of the contract, or (b) to the adequacy of the price or remuneration, as against the goods or services supplied in exchange, within the meaning of regulation 6(2) of the Unfair Terms in Consumer Contracts Regulations 1999.

AND IT IS ORDERED THAT:

2. Each of the First to Sixth Defendants and the Eighth Defendant shall have permission to appeal against the declaration made in paragraph 1 above and the Seventh Defendant shall have permission to appeal against the declaration made in paragraph 1(A) of the Nationwide Order. The Defendants shall by their respective appellant's notices, or otherwise at the hearing of the appeal listed to be heard by the Court of Appeal commencing 28 October 2008, apply to the Court of Appeal for directions as to the timing and/or disposal of the hearing of this appeal. For the avoidance of doubt, the hearing of this appeal shall not form part of the appeal hearing listed to be heard by the Court of Appeal commencing 28 October 2008 (unless the Court of Appeal so directs).

3. The Claimant and the First, Sixth and Eighth Defendants shall attend upon the Clerk to the Commercial List within 7 days to fix a further hearing before Mr Justice Andrew Smith to deal with any outstanding issues concerning applications by those defendants that their terms are not capable of being penalties at common law. This hearing (time estimate of 1 day) is to take place this Michaelmas term (but not before 10 November 2008). The First, Sixth and Eighth Defendants shall serve written submissions on such issues 3 days before that hearing. The Claimant shall serve its written submissions 1 day before that hearing.
4. Subject to further order, the form of the relief concerning penalties to which the Defendants are entitled consequent on the Judgment dated 8 October 2008 be finalised following the Court's judgment on the outstanding issues referred to in paragraph 3 above, in a form which combines in a single schedule the terms of all the Defendants (save those of the Seventh Defendant, whose position is already provided for by the Nationwide Order) that are declared not to be penalty clauses at common law.
5. Subject to further order:
 - a. any application for permission to appeal against declarations concerning penalties arising from the Judgment dated 8 October 2008 be considered following the Court's judgment on the outstanding issues referred to in paragraph 3 above;
 - b. for the purpose of any such applications and CPR 52.3(2)(a), the hearing at which the Judgment dated 8 October 2008 was handed down be adjourned pursuant to CPR 52 PD4.3B;
 - c. Each party shall have until 21 days after the handing down of the judgment dealing with the outstanding issues referred to in paragraph 3 above to file an appellant's notice in respect of declarations concerning penalties arising out of the Judgment dated 8 October 2008.
6. The Fourth Defendant's application for declarations regarding the contractual terms of its Intelligent Finance account is adjourned with permission to restore.

7. Permission to apply.

8. There be no order as to costs.

DATED: 24 October 2008

[Annex 1 – Nationwide Order]

[Schedule 1]

ANNEX 1

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
COMMERCIAL COURT

Before Mr Justice Andrew Smith

Claim No. 2007/1186



BETWEEN:

THE OFFICE OF FAIR TRADING

Claimant

-and-

- (1) ABBEY NATIONAL PLC
- (2) BARCLAYS BANK PLC
- (3) CLYDESDALE BANK PLC
- (4) HBOS PLC
- (5) HSBC BANK PLC
- (6) LLOYDS TSB BANK PLC
- (7) NATIONWIDE BUILDING SOCIETY
- (8) THE ROYAL BANK OF SCOTLAND GROUP PLC

Defendants



DRAFT ORDER

- (1) UPON reading the letter from the seventh Defendant's solicitors dated 27 June 2008, the content of which was agreed with solicitors for the Claimant
- (2) AND UPON the Court having stated its conclusions on certain issues in the proceedings in its Judgment dated 24 April 2008 ("the Judgment")

IT IS HEREBY DECLARED AND ORDERED THAT:

1.

- (A) An assessment of fairness of the personal current account contractual terms of the seventh Defendant contained in the documents listed in Schedule 1 to this order which make provision for the charges identified in Schedule 1 to this order would not relate (a) to the definition of the main subject matter of the contract, or (b) to the adequacy of the price or remuneration, as against the goods or services supplied in exchange, within the meaning of regulation 6(2) of the Unfair Terms in Consumer Contracts Regulations 1999.
- (B) None of the terms of the seventh Defendant giving rise to the personal current account charges identified in Schedule 1 to this order is a penalty clause at common law.

2. There be no order as to costs.

Schedule 1

Nationwide Building Society

Type or Name of Charge:

- Unauthorised overdraft charge
- Charge for transaction unpaid as Insufficient cleared funds
- Charge for cheques guaranteed when insufficient cleared funds
- Unauthorised overdraft (monthly)
- Unauthorised overdraft monthly fee
- Charge for transaction unpaid as funds unavailable
- Charge for unpaid items (due to insufficient cleared funds)
- Unpaid items due to insufficient (cleared) funds
- Charge for cheques guaranteed when funds unavailable
- Card misuse

Documents:

FlexAccount Terms and Conditions (April 2003)

FlexAccount Interest Rates and Charges (March 2005)

FlexAccount Interest Rates and Charges (June 2004)

FlexAccount and Credit Card Interest Rates and Charges Sheet (June 2003)

FlexAccount Interest Rates and Tariff Sheet (May 2001)

SCHEDULE 1

ABBEEY NATIONAL PLC

Name or type of charge:

Paid Item Fee

- Fee for each item paid which results in an unauthorised overdraft or while the customer has an unauthorised overdraft¹
- Charge for each transaction paid whilst unauthorised overdrawn²

Unpaid Item Fee

- Unpaid Item Fee³
- Charge for each unpaid Direct Debit or standing order⁴
- Unpaid Direct Debits or standing orders⁵
- Fee for each bounced cheque/standing order/Direct Debit⁶
- Unpaid Standing Order/Cheque/Direct Debit⁷

Guaranteed Paid Item Fee

- *None*

Overdraft Excess Fee

- Unauthorised overdraft fee⁸

¹ Charge levied pursuant to Abbey National plc's Current Account January 2007, March 2005 and September 2004 tariffs of charges.

² Charge levied pursuant to Abbey National plc's Current Account June 2003 (2), June 2003 (1), August 2002, July 2002, June 2002 and August 2001 tariffs of charges.

³ Charge levied pursuant to Abbey National plc's Basic Account September 2007 and Instant Plus Account September 2007 tariffs of charges.

⁴ Charge levied pursuant to Abbey National plc's Basic Account and Instant Plus Account tariffs of charges save for Abbey National plc's Basic Account September 2007, September 2003, Instant Plus Account September 2007, March 2005 and November 2001 tariffs of charges.

⁵ Charge levied pursuant to Abbey National plc's Basic Account September 2003, Instant Plus Account March 2005 and November 2001 tariffs of charges only.

⁶ Charge levied pursuant to Abbey National plc's Current Account January 2007, March 2005 and September 2004 tariffs of charges.

⁷ Charge levied pursuant to Abbey National plc's Current Account June 2003 (2), June 2003 (1), August 2002, July 2002, June 2002 and August 2001 tariffs of charges.

⁸ Charge levied pursuant to Abbey National plc's Current Account January 2007, June 2003 (2), June 2003 (1), August 2002, July 2002, June 2002 and August 2001 tariffs of charges.

Documents:

(i) Basic Accounts

(a) Abbey National plc's Basic Account

1. Abbey National plc's "The Basic Account Terms and Conditions" (September 2007)

Tariff applicable:

- Abbey National plc's "The Basic Account Key Features and Price List" (September 2007)
2. Abbey National plc's "The Basic account conditions" (November 2005) and all previous editions thereof dating back to and including September 2003 which are admitted to be in materially similar terms.

Tariffs applicable:

- Abbey National plc's "Basic account Tariff of charges" (May 2007)
- Abbey National plc's "Basic account Tariff of charges" (February 2006)
- Abbey National plc's "Basic account Tariff of charges" (September 2005)
- Abbey National plc's "Basic account Tariff of charges" (August 2005)
- Abbey National plc's Basic account "Charges" (September 2003)

(b) Abbey National plc's Instant Plus Account

3. Abbey National plc's "The Abbey Instant Plus Account: Terms and Conditions" (September 2007)

Tariff applicable:

- Abbey National plc's "The Abbey Instant Plus Account Key Features and Price List" (September 2007)
4. Abbey National plc's "The Abbey Instant Plus Account: Terms and Conditions" (May 2005) and all previous editions thereof dating back to and including 2001 which are admitted to be in materially similar terms.

Tariffs applicable:

- Abbey National plc's "Instant Plus account: tariff of charges" (February 2006)
- Abbey National plc's "Instant Plus account: tariff of charges" (August 2005)
- Abbey National plc's "Instant Plus account Tariff of charges" (March 2005)
- Abbey National plc's Instant Plus account "Tariff of charges" (November 2001)

(ii) Current Account

1. Abbey National plc's "Abbey's Current Account Terms and Conditions" (January 2007) and all previous editions thereof dating back to August 2001 which are admitted to be in materially similar terms.

Tariffs applicable:

- Abbey National plc's "Abbey's Current Account Tariff of charges" (January 2007)
- Abbey National plc's "Abbey Account Tariff of charges" (March 2005)
- Abbey National plc's "Abbey Account Tariff of charges" (September 2004)
- Abbey National plc's "Abbey National Bank Account Tariff of charges" (June 2003)
- Abbey National plc's "Abbey National bank account Interest rates and tariff of charges" (June 2003)
- Abbey National plc's "Abbey National Bank Account Tariff of charges (August 2002)
Abbey National plc's "Abbey National bank account Interest rates and tariff of charges" (July 2002)
- Abbey National plc's "Abbey National bank account Interest rates and tariff of charges" (June 2002)
- Abbey National plc's "Abbey National bank account Interest rates and tariff of charges" (August 2001)

BARCLAYS BANK PLC

Barclays Bank Account⁹

Name or type of charge:

Unpaid Item Fee

- Any unpaid item returned due to insufficient funds in your account (July 2001)
- Unpaid items returned due to insufficient funds in your account (September 2001, July 2002)
- Unpaid fee: if you go overdrawn without agreement or if you exceed your agreed limit we may return your cheques, standing orders or Direct Debits (September 2003 onwards)

Guaranteed Paid Item Fee

- Any item which we have been obliged to pay although there were insufficient funds in your account, i.e. Guaranteed cheque, (July 2001)

Overdraft Excess Charge/Paid Item Fee

- Unauthorised overdraft – monthly usage fee (July 2001)
- Unauthorised overdraft usage fee charged on a daily basis (September 2001)
- Paid Referral Fee (July 2002 onwards)

*Documents:*¹⁰

Terms and Conditions	Tariff Document
Barclays Bank plc's "Customer agreement" and "Barclays Bank card conditions" comprising parts of a document entitled "Terms and conditions" (January 2001)	Barclays Bank plc's "Our bank charges explained" leaflet (July 2001 / September 2001) Barclays Bank plc's "Our bank charges explained" leaflet (September 2001) Barclays Bank plc's "Our bank charges explained" leaflet (September 2001) (further version)
Barclays Bank plc's "Customer agreement" and "Barclays Bank card conditions" comprising	<i>Barclays Bank plc's "Our bank charges</i>

⁹ The documents relating to the Barclays Bank Account are materially the same at all relevant times.

¹⁰ The column on the left sets out the main customer terms and conditions document. The column on the right sets out the corresponding tariff document. Where a tariff document corresponds to more than one set of terms and conditions and is repeated in the table it has been italicised. Similarly where a set of terms and conditions corresponds to tariff documents in more than one type of account, it has been italicised where repeated.

Terms and Conditions	Tariff Document
<p>parts of a document entitled "Terms and Conditions" (May 2002)</p>	<p><i>explained" leaflet (September 2001)</i></p> <p>Barclays Bank plc's "Our bank charges explained" leaflet (July 2002)</p> <p>Barclays Bank plc's "Our bank charges explained" leaflet (July 2002) (further version)</p> <p>Barclays Bank plc's "Our bank charges explained" leaflet (September 2003)</p> <p>Barclays Bank plc's "Our bank charges explained" leaflet (September 2003) (further version)</p> <p>Barclays Bank plc's "Current Accounts: Our bank charges explained" leaflet (January 2004)</p> <p>Barclays Bank plc's "Current account: Our bank charges explained" leaflet (July 2004)</p> <p>Barclays Bank plc's "Our bank charges explained" leaflet (September 2004)</p> <p>Barclays Bank plc's "Current account: Our bank charges explained" leaflet (December 2004)</p> <p>Barclays Bank plc's "Our bank charges explained" leaflet (July 2005)</p> <p>Barclays Bank plc's "Current account: Our bank charges explained" leaflet (July 2005) (further version)</p> <p>Barclays Bank plc's "Current account: Our bank charges explained" leaflet (October 2005)</p> <p>Barclays Bank plc's "Current account: Our bank charges explained" leaflet (February 2006)</p> <p>Barclays Bank plc's "Our bank charges explained" leaflet (November 2006)</p>
<p>Barclays Bank plc's "Retail Customer agreement" and "Barclays Bank card conditions" comprising parts of a document entitled "Terms and Conditions" (February 2007)</p>	<p><i>Barclays Bank plc's "Our bank charges explained" leaflet (November 2006)</i></p>

Barclays Cash Card Account¹¹

Name or type of charge:

Unpaid Item Fee:

- Unpaid Direct Debits returned due to insufficient funds in your account (October 2005)
- Direct Debits unpaid due to insufficient funds in your account (June 2006)
- Direct Debits and Standing Orders unpaid due to insufficient funds in your account (November 2006 and August 2007)

Documents¹²:

<i>Barclays Bank plc's "Customer agreement" and "Barclays Bank card conditions" comprising parts of a document entitled "Terms and Conditions" (May 2002)</i>	Barclays Bank plc's "Cash Card Account: Our bank charges explained" leaflet (October 2005) Barclays Bank plc's "Cash Card Account: Our bank charges explained" leaflet (June 2006) Barclays Bank plc's "Cash Card Account: Our bank charges explained" leaflet (November 2006)
Barclays Bank plc's "Retail Customer agreement" and "Barclays Bank card conditions" comprising parts of a document entitled "Terms and Conditions" (February 2007)	<i>Barclays Bank plc's "Cash Card Account: Our bank charges explained" leaflet (November 2006)</i> Barclays Bank plc's "Cash Card Account: Our bank charges explained" leaflet (August 2007)

THE WOOLWICH

The Woolwich Current Account¹³

Name or type of charge:

Unpaid Item Fee

¹¹ The documents relating to the Barclays Bank Cash Card Account are the materially the same from October 2005.

¹² The column on the left sets out the main customer terms and conditions document. The column on the right sets out the corresponding tariff document. Where a tariff document corresponds to more than one set of terms and conditions and is repeated in the table it has been italicised. Similarly where a set of terms and conditions corresponds to tariff documents in more than one type of account, it has been italicised where repeated.

¹³ The documents relating to The Woolwich: Current Account are materially the same from January 2003.

- Administrative costs if any cheque, standing order or direct debit cannot be paid because of lack of cleared funds in the account (January 2003 onwards)

Guaranteed Paid Item Fee

- Administrative costs if we are compelled to pay an item (such as a cheque guaranteed by a Multifunction Card or an authorised Multifunction Debit Card transaction) which makes the account overdrawn or beyond agreed overdraft limits (January 2003 onwards)

Overdraft Excess Fee

- Unauthorised overdraft fee (January 2003 onwards)

Documents¹⁴:

Terms and Conditions	Tariff Document
The Woolwich "Banking and Savings Conditions" (April 2000)	The Woolwich "Interest Rates and Charges" leaflet (January 2003) The Woolwich "Savings and Current Accounts: Interest Rates and Charges" leaflet (August 2003)
The Woolwich "Banking and Savings Conditions" (Published December 2003)	<i>The Woolwich "Savings and Current Accounts: Interest Rates and Charges" leaflet (August 2003)</i> The Woolwich "Interest Rates and Charges" leaflet (May 2004) The Woolwich "Interest Rates and Charges" leaflet (September 2004) The Woolwich "Interest Rates and Charges" leaflet (July 2005) (Savings Interest rates September 2004) (printed April 2005) The Woolwich "Savings and Current Accounts: Interest Rates and Charges" leaflet (July 2005) The Woolwich "Interest Rates and Charges" leaflet (July 2005) (Savings Interest rates September 2005) (printed September 2005) The Woolwich "Interest Rates and Charges"

¹⁴ The column on the left sets out the main customer terms and conditions document. The column on the right sets out the corresponding tariff document. Where a tariff document corresponds to more than one set of terms and conditions and is repeated in the table it has been italicised.

	leaflet (July 2005) (Savings Interest rates February 2006) (printed January 2006)
The Woolwich "Banking and Savings Conditions" (March 2006) [Tab 18 of additional Barclays Bundle]	The Woolwich "Savings and Current Accounts: Interest Rates and Charges" leaflet (March 2006)

Woolwich Openplan Current Account¹⁵

Name or type of charge:

Unpaid Item Fee

- Administrative costs if any cheque, standing order or direct debit cannot be paid because of lack of cleared funds in the account (May 2001 onwards)

Guaranteed Paid Item Fee

- Administrative costs if we are compelled to pay an item (such as a cheque guaranteed by an Openplan Card or an authorised debit card transaction) which makes the account overdrawn or beyond the agreed Current Account Reserve limit (May 2001 onwards)

Overdraft Excess Fee

- Unauthorised overdraft fee (December 2005)
- Unauthorised Current Account Reserve Fee (May 2001, April 2002, September 2002)

*Documents*¹⁶:

Banking and Savings Conditions	Openplan Terms and Conditions	Tariff Document
<i>The Woolwich "Banking and Savings Conditions" (April 2000)</i>	"Openplan from the Woolwich terms and conditions" (February 2001)	"Openplan from the Woolwich interest rates and charges" leaflet (May 2001)
	"Openplan from the Woolwich terms and conditions" (August 2001)	<i>"Openplan from the Woolwich interest rates and charges"</i>

¹⁵ The documents relating to the Woolwich Openplan Current Account are materially the same at all relevant times.

¹⁶ The column on the left sets out the main customer terms and conditions document. The column on the right sets out the corresponding tariff document. Where a tariff document corresponds to more than one set of terms and conditions and is repeated in the table it has been italicised. Similarly where a set of terms and conditions corresponds to tariff documents in more than one type of account, it has been italicised where repeated.

	2001)	<i>leaflet (May 2001)</i>
	"Openplan from the Woolwich terms and conditions" (November 2001)	"Openplan from the Woolwich interest rates and charges" leaflet (May 2001) "Openplan from the Woolwich interest rates and charges" leaflet (September 2002)
	"Openplan from the Woolwich terms and conditions" (December 2002)	"Openplan from the Woolwich interest rates and charges" leaflet (September 2002)
	"Openplan from the Woolwich terms and conditions" (2003) "Openplan from the Woolwich terms and conditions" (2003)	"Openplan from the Woolwich interest rates and charges" leaflet (September 2002) "Openplan from the Woolwich interest rates and charges" leaflet (September 2002) (further version)
<i>The Woolwich "Banking and Savings Conditions" (Published December 2003)</i>	"Openplan from the Woolwich terms and conditions" (2003)	"Openplan from the Woolwich interest rates and charges" leaflet (September 2002) (further version) "Openplan from the Woolwich interest rates and charges" leaflet (December 2005)
<i>The Woolwich "Banking and Savings Conditions" (March 2006)</i>	"Openplan from the Woolwich terms and conditions" (2003)	"Openplan from the Woolwich interest rates and charges" leaflet (December 2005)

CLYDESDALE BANK PLC

Name or type of charge:

Paid Item Fee

- Daily Irregular Borrowing Charge
- Irregular Debit Movement Charge

Guaranteed Paid Item Fee

- Debit Card Abuse Fee
- Cheque Guarantee Card Abuse Fee

Unpaid Item Fee

- The charge described as being in respect of "Items you authorise which are returned unpaid", "Items which you authorise which are returned unpaid", or "Items returned unpaid"

Overdraft Excess Fee

- Monthly Unauthorised Borrowing Fee
- Quarterly Unauthorised Borrowing Fee
- Monthly Maintenance Fee
- Irregular Borrowing Charge

Documents:

Yorkshire Bank

1. Yorkshire Bank's "Readycash account and current account Terms and Conditions" December 2000,

Tariffs applicable:

- Yorkshire Bank's "Current account tariff for personal customers"

November 2000	February 2001
April 2001	May 2001
June 2001	August 2001
August 2001 'a'	September 2001
October 2001	October 2001 'a'

2. Yorkshire Bank's "Readycash account and current account Terms and Conditions" May 2002

Tariffs applicable:

- Yorkshire Bank's "Current account tariff for personal customers":

October 2001 'a'	March 2003
July 2003	July 2003 'b'

3. Yorkshire Bank's "Current Account Terms and Conditions" October 2003,

Tariffs applicable:

- Yorkshire Bank's "Current account tariff for personal customers"

July 2003 'b'	November 2003
November 2003 'a'	January 2004
February 2004	March 2004
May 2004	June 2004
June 2004a	July 2004
August 2004	September 2004
October 2004	November 2004

4. Yorkshire Bank's "Current Account Plus and Current Account Choice Terms and Conditions" November 2003

Tariffs applicable:

- Yorkshire Bank's "Current account tariff for personal customers":

November 2003
November 2003 'a'
January 2004
February 2004
March 2004

5. Yorkshire Bank's "Current Account Plus and Current Account Choice Terms and Conditions" April 2004

Tariffs applicable:

- Yorkshire Bank's "Current account tariff for personal customers":

March 2004	May 2004
June 2004	June 2004a

July 2004

6. Yorkshire Bank's "Current Account Plus Terms and Conditions" August 2004

Tariffs applicable:

- Yorkshire Bank's "Current account tariff for personal customers":

August 2004	September 2004
October 2004	November 2004

7. Yorkshire Bank's "Current Account Terms and Conditions" December 2004

Tariffs applicable:

- Yorkshire Bank's "Current account tariff for personal customers":

December 2004	December 2004a
June 2005	August 2005
September 2005	

8. Yorkshire Bank's "Current Account Plus Terms and Conditions" December 2004

Tariffs applicable:

- Yorkshire Bank's "Current account tariff for personal customers":

December 2004	December 2004a
June 2005	August 2005
September 2005	

9. Yorkshire Bank's "Current Accounts Terms and Conditions" October 2005

Tariffs applicable:

- Yorkshire Bank's "Current account tariff for personal customers":

September 2005	March 2006
April 2006	

10. Yorkshire Bank's "Off Sale Accounts Terms and Conditions" October 2005

Tariffs applicable:

- Yorkshire Bank's "Current account tariff for personal customers":

September 2005	March 2006
April 2006	June 2006
August 2006	September 2006

11. Yorkshire Bank's "Current Accounts Terms and Conditions" April 2006

Tariffs applicable:

- Yorkshire Bank's "Current account tariff for personal customers":

April 2006	June 2006
August 2006	September 2006
October 2006	November 2006

12. Yorkshire Bank's "Off Sale Accounts Terms and Conditions" October 2006

Tariffs applicable:

- Yorkshire Bank's "Current account tariff for personal customers":

October 2006	November 2006
December 2006	January 2007
February 2007	May 2007
June 2007	

13. Yorkshire Bank's "Current Accounts Terms and Conditions" December 2006

Tariffs applicable:

- Yorkshire Bank's "Current account tariff for personal customers":

December 2006	January 2007
February 2007	May 2007

14. Yorkshire Bank's "Current Accounts Terms and Conditions" June 2007,

Tariffs applicable:

- Yorkshire Bank's "Current account tariff for personal customers":

June 2007	July 2007
August 2007	October 2007

Clydesdale Bank

1. Clydesdale Bank's "Current Accounts Terms and Conditions" June 1999
2. Clydesdale Bank's "Current Accounts Terms and Conditions" January 2001

Tariffs applicable:

- Clydesdale Bank's "Current Account tariff for personal customers":

August 2001a

September 2001a

October 2001

3. Clydesdale Bank's "Current Accounts Terms and Conditions" May 2002
4. Clydesdale Bank's "Current Account tariff for personal customers" October 2001
5. Clydesdale Bank's "Current Accounts Terms and Conditions" December 2002

Tariffs applicable:

- Clydesdale Bank's "Current Account tariff for personal customers":

October 2001

6. Clydesdale Bank's "Current Accounts Terms and Conditions" January 2003

Tariffs applicable:

- Clydesdale Bank's "Current Account tariff for personal customers":

October 2001

December 2003

7. Clydesdale Bank's "Current Account and Current Account Extra Terms and Conditions" January 2004

Tariffs applicable:

- Clydesdale Bank's "Current Account tariff for personal customers":

January 2004

February 2004

March 2004

8. Clydesdale Bank's "Current Account and Current Account Extra Terms and Conditions" January 2004

Tariffs applicable:

- Clydesdale Bank's "Current Account tariff for personal customers"

January 2004 February 2004
 March 2004

9. Clydesdale Bank's "Current Account Plus and Current Account Choice Terms and Conditions" January 2004

Tariffs applicable:

- Clydesdale Bank's "Current Account tariff for personal customers":

January 2004 February 2004
 March 2004

10. Clydesdale Bank's "Current Account Plus and Current Account Choice Terms and Conditions" April 2004

Tariffs applicable:

- Clydesdale Bank's "Current Account tariff for personal customers":

March 2004 May 2004
 June 2004 June 2004a
 July 2004 August 2004

11. Clydesdale Bank's "Current Account and Current Account Extra Terms and Conditions" April 2004

Tariffs applicable:

- Clydesdale Bank's "Current Account tariff for personal customers":

March 2004 May 2004
 June 2004 June 2004a
 July 2004 August 2004
 September 2004 October 2004
 November 2004 December 2004
 January 2005 June 2005

12. Clydesdale Bank's "Current Account Plus Terms and Conditions" September 2004,

Tariffs applicable:

- Clydesdale Bank's "Current Account tariff for personal customers":

September 2004	October 2004
November 2004	December 2004
January 2005	June 2005

13. Clydesdale Bank's "Offsale Accounts Terms and Conditions" August 2005,

Tariffs applicable:

- Clydesdale Bank's "Current Account tariff for personal customers":

August 2005	September 2005
March 2006	

14. Clydesdale Bank's "Current Accounts Terms and Conditions" August 2005,

Tariffs applicable:

- Clydesdale Bank's "Current Account tariff for personal customers":

August 2005	September 2005
March 2006	April 2006
June 2006	August 2006
September 2006	

15. Clydesdale Bank's "Offsale Accounts Terms and Conditions" April 2006

Tariffs applicable:

- Clydesdale Bank's "Current Account tariff for personal customers":

April 2006	June 2006
August 2006	September 2006
November 2006	December 2006
January 2007	February 2007

16. Clydesdale Bank's "Current Accounts Terms and Conditions" November 2006

Tariffs applicable:

- Clydesdale Bank's "Current Account tariff for personal customers":

November 2006	December 2006
January 2007	February 2007

17. Clydesdale Bank's "Current Accounts Terms and Conditions" March 2007,

Tariffs applicable:

- Clydesdale Bank's "Current Account tariff for personal customers":

March 2007	May 2007
June 2007	July 2007
August 2007	October 2007
December 2007	

HBOS PLC

HBOS plc: Halifax Bank Accounts (including Cardcash)

Name or type of charge:

- Paid Item Fee¹⁷
- Unpaid Item Fee¹⁸
- Unarranged Overdraft Fee¹⁹

Documents:

1. Halifax Bank Accounts, special conditions and bank account conditions leaflet (February 2007)

Price lists applicable during this period

- Halifax Bank Accounts, interest rates and account charges leaflet (19 February 2007)

2. Halifax Bank Accounts, special conditions and bank account conditions leaflet (October 2006)

Price lists applicable during this period

- Halifax Bank Accounts, interest rates and account charges leaflet (26 June 2006)

3. Halifax Bank Accounts, special conditions and bank account conditions leaflet (June 2006)

Price lists applicable during this period

- Halifax Bank Accounts, interest rates and account charges leaflet (26 June 2006)

4. Halifax Bank Accounts, special conditions and bank account conditions leaflet (May 2005)

Price lists applicable during this period

¹⁷ The Paid Item Fee was introduced by the 28 April 2003 leaflet where it was described as a charge for "Each transaction (cheque (whether guaranteed or not), standing order, direct debit and debit card payment) if you exceed your authorised overdraft limit and the transaction is paid". From July 2004 it was referred to as a "Paid Items" charge.

¹⁸ As variously described: prior to 26 July 2004 as a charge for each cheque, standing order or direct debit the bank refused to pay on any day; from 26 July 2004 to 19 February 2007 as a "Failed items" charge; in 19 February 2007 as an "Unpaid items" charge.

¹⁹ As variously described: prior to 26 July 2004 as a "Monthly charge for unauthorised overdrafts"; from 26 July 2004 to 19 February 2007 as an "Unauthorised overdraft charge"; in 19 February 2007 as an "Unarranged overdraft administration fee".

- Halifax Bank Accounts, interest rates and account charges leaflet (26 July 2004)

5. Halifax Bank Accounts, special conditions and bank account conditions leaflet (February 2005)

Price lists applicable during this period

- Halifax Bank Accounts, interest rates and account charges leaflet (26 July 2004)

6. Halifax Bank Accounts, special conditions and bank account conditions leaflet (November 2004)

Price lists applicable during this period

- Halifax Bank Accounts, interest rates and account charges leaflet (26 July 2004)

7. Halifax Bank Accounts, special conditions and bank account conditions leaflet (July 2003)

Price lists applicable during this period

- Halifax Bank Accounts, interest rates and account charges leaflet (28 April 2003)
- Halifax Bank Accounts, interest rates and account charges leaflet (26 July 2004)

8. Halifax Bank Accounts, special conditions and bank account conditions leaflet (November 2001)

Price lists applicable during this period

- Halifax Bank Accounts, account charges leaflet (December 2000)
- Halifax Bank Accounts, interest rates and account charges leaflet (September 2002)
- Halifax Bank Accounts, interest rates and account charges leaflet (28 April 2003)

HBOS plc: Halifax EasyCash Bank Account

Name or type of charge

- Unpaid Item Fee²⁰

Documents (detail of charges contained in same document):

²⁰ As variously described: prior to November 2004 as a "Failed payment charge" and from November 2004 as a "Failed item charge".

- Halifax Easycash account, account features, interest rates and charges, account conditions leaflet (March 2007)
- Halifax Easycash account, account features, interest rates and charges, account conditions leaflet (January 2006)
- Halifax Easycash account, account features, interest rates and charges, account conditions leaflet (November 2004)
- Halifax Easycash account features, interest rates and charges, account conditions leaflet (April 2003)

HBOS plc: Intelligent Finance Account

Name or type of charge

- Unpaid Item Fee²¹
- Unarranged Overdraft Fee²²

Documents

1. Intelligent Finance terms and conditions, bank account conditions leaflet (2007)

Price lists applicable during this period

- Intelligent Finance, our interest rates and charges (12 November 2006)

2. Intelligent Finance conditions, bank account conditions leaflet (2004)

Price lists applicable during this period

- Intelligent Finance, interest rates and charges (June 2003)

3. Intelligent Finance conditions, bank account conditions leaflet (2003)

Price lists applicable during this period

- Intelligent Finance, interest rates and charges (June 2003)

4. Intelligent Finance conditions, bank account conditions leaflet (2001)

²¹ As variously described: prior to November 2006 as a charge triggered by a "Cheque, direct debit or standing order not able to be paid due to insufficient funds"; and from November 2006 as a charge triggered for a "Bill payment, standard payments (also known as BACS), cheque, direct debit or standing order not able to be paid due to insufficient funds"

²² Described as an "Unauthorised overdraft" charge.

Price lists applicable during this period

- Intelligent Finance, interest rates and charges (June 2003)
- Intelligent Finance, interest rates and charges (June 2001)

HSBC BANK PLC

Name or type of charge (from at least July 2001 unless otherwise stated):

HSBC

- Monthly fee for overdrafts not agreed in advance (until October 2002).
- Overdraft review fee (October 2002 - December 2006).
- Returned items fee (until December 2006).
- Guaranteed cheques and Switch / Maestro / Cirrus transactions we have to pay (until December 2006).

First Direct

- Overdraft fee (until October 2007).
- Excess overdraft fee (until October 2007).
- Returned item fee²³ (until October 2007).

Documents²⁴:

HSBC

All Personal Banking Terms and Conditions and Bank Account, Student and Graduate and Premier Price Lists and Interest Rates dated (or effective) from July 2001 up to but not including December 2006, which for convenience, are set out more fully below.

²³ More particularly, the various interest rate and charges leaflets in effect prior to May 2002 (from at least July 2001) provided as follows: "The return of cheques, standing orders and direct debits unpaid owing to lack of funds or available overdraft is charged at £37.50 per item"; and between May 2002 and October 2007 as follows: "The return of cheques, standing orders and direct debits unpaid owing to lack of funds or available overdraft will be charged at £15 where the total value of the items is less than £40 and £37.50 where the total value of the items is £40 or more".

²⁴ "Undated" means that no date appears within the text of the terms and conditions or price list, although a print date may appear on the document.

1. HSBC's "Personal Banking Terms and Conditions" (undated but effective from 30 July 2001 for new customers and 22 October 2001 for existing customers) and all subsequent editions thereof (up to but not including the terms and conditions identified at paragraph 2 below), which are in materially similar terms.

Price Lists applicable during this period

- HSBC's "Bank Account, cards and travel price list and interest rates" (effective from 3 December 2001)
- HSBC's "Student and Graduate Price List and Interest Rates" (effective from 4 October 2001)
- HSBC's "Premier price list and interest rates" (effective from 17 October 2001)

And all other editions of the Price List during this first period (up to but not including the first three Price Lists identified at paragraph 2 below), which contain the types of charge identified at A above (and which are in materially similar terms).

2. HSBC's "Personal Banking Terms and Conditions" (undated but effective from 1 October 2002 for new customers and 29 November 2002 for existing customers), and all subsequent editions thereof (up to but not including the terms and conditions identified at paragraph 3 below), which are in materially similar terms.

Price Lists applicable during this period

- HSBC's "Bank Account, cards and travel price list and interest rates" (effective from 1 October 2002 or 29 November 2002 where stated)
- HSBC's "Student and Graduate Price List and Interest Rates" (effective from 1 October 2002 or 29 November 2002 where stated)
- HSBC's "Premier Price list and interest rates" (effective from 1 October 2002 or 29 November 2002 where stated)
- HSBC's "Bank Account, cards and travel price list and interest rates" (effective from 2 September 2004)
- HSBC's "Student and Graduate Price List and Interest Rates" (effective from 2 September 2004)
- HSBC's "Premier Price list and interest rates" (effective from 2 September 2004)]

And all other editions of the Price List during this second period (up to but not including the Price Lists identified at paragraph 3 below), which contain the types of charge identified at A above (and which are in materially similar terms).

3. HSBC's "Personal Banking Terms and Conditions" (undated but effective from 1 August 2005 for new customers and 1 October 2005 for existing customers).

Price Lists applicable during this period

- HSBC's "Bank Account, cards and travel price list and interest rates" (effective from 2 September 2005)
- HSBC's "Student and Graduate Price List and Interest Rates" (effective from 5 August 2005)
- HSBC's "Premier price list" (effective from 2 September 2005)

And all other editions of the Price List during this third period (up to but not including the Price Lists dated December 2006), which contain the types of charge identified at A above (and which are in materially similar terms).

First Direct

All Principal or Account Terms and Conditions, (Internal) Interest Rates and Charges Price Lists and the "Day to day running of account charges" Price List dated (or effective) from July 2001 up to but not including October 2007, which for convenience are set out more fully below.

4. First Direct's "Principal Terms and Conditions" (undated but effective from 24 July 2001) and all subsequent editions thereof (up to but not including the terms and conditions identified at paragraph 5 below), which are in materially similar terms.

Price Lists applicable during this period

- First Direct's "Internal Interest Rates and Charges" (effective from 2 August 2001)
- First Direct's "Internal Interest Rates and Charges" (effective from 7 January 2002)
- First Direct's "Internal Interest Rates and Charges" (effective from 20 March 2002)
- First Direct's "Internal Interest Rates and Charges" (effective from 7 May 2002)
- First Direct's "Internal Interest Rates and Charges" (effective from 30 December 2002)
- First Direct's "Internal Interest Rates and Charges" (effective from 24 September 2003)
- First Direct's "Internal Interest Rates and Charges" (effective from 5 January 2004)
- First Direct's "Interest Rates and Charges" (effective from 1 April 2005)

And all other editions of the Price List during this first period (up to but not including the Price List identified at paragraph 5 below), which contain the types of charge identified at A above (and which are in materially similar terms).

5. First Direct's "Account Terms and Conditions" (effective from 5 January 2006 for new customers and 1 February 2006 for existing customers (with Part 2 Clauses 2, 3, and 4 effective from 5 January 2006).

Price Lists applicable during this period

- First Direct's "Interest Rates and Charges" (effective from 1 January 2006)

And all other editions of the Price List during this second period (up to but not including the Price List identified at paragraph 6 below), which contain the types of charge identified at A above (and which are in materially similar terms).

6. First Direct's "Account Terms and Conditions" (undated but effective from 29 January 2007).

Price Lists applicable during this period

- First Direct's "Interest Rates and Charges" (effective from 1 February 2007)

And all other editions of the Price List during this third period (up to but not including the first Price List identified at paragraph 7 below), which contain the types of charge identified at A above (and which are in materially similar terms).

7. First Direct's "Terms and Conditions" (undated but effective from 8 March 2007)²⁵

Price Lists applicable during this period

- First Direct's "Interest Rates and Charges" (effective from 1 May 2007)
- First Direct's "Day to day running of account charges" (effective as at 1 August 2007)

And all other editions of the Price List during this fourth period (up to but not including the Price List dated 1 October 2007), which contain the types of charge identified at A above (and which are in materially similar terms).

²⁵ These terms and conditions also include a notice of changes due to take effect from 1 October 2007.

LLOYDS TSB BANK PLC

Name or type of charge:

Unpaid Item Fee

- Unpaid Item Fee
- Returned Item Fee

Overdraft Excess Fee

- Unauthorised Borrowing Fee
- Overdraft Excess Fee

Documents:

Lloyds TSB Bank plc

It is agreed between the Claimant and Lloyds TSB (but has not been determined by the court) that the terms contained in the documents set out below which make provision for the charges identified above are incorporated into the personal current account contracts between Lloyds TSB and its customers.

- Your guide to our rates and charges (dated July 2001)
- A guide to our banking charges (dated February 2002)
- A guide to our banking charges (dated April 2002)
- A guide to our banking charges (dated August 2002)
- A guide to our banking charges (dated 25 July 2003)
- A guide to our banking charges (dated 12 September 2003)
- A guide to our banking charges (dated 1 May 2004)
- A guide to our banking charges (dated 1 October 2004)
- A guide to our banking charges (dated 1 January 2005)
- Banking charges (dated 1 February 2005)
- Banking charges (dated 1 June 2005)
- Banking charges (dated 1 February 2006)
- Banking charges (dated 1 May 2006)
- Banking charges (dated 1 September 2006)
- Banking charges (dated 18 December 2006)
- Banking charges (dated 1 June 2007)

- Lloyds TSB/for the journey... Terms and Conditions (dated 1 March 2007) (which are in all material respects representative of the period from July 2001 to November 2007)
- Lloyds TSB/for the journey... Your Debit card Terms and Conditions (dated 1 March 2007)

THE ROYAL BANK OF SCOTLAND GROUP PLC

Name or type of charge:

Paid Item Charge

- Paid Referral Fee
- Referral Fee

Unpaid Item Charge

- Unpaid Item/s Fee
- Unpaid Fee

Guaranteed Paid Item Charge

- Guaranteed Card Payment Fee
- Card Misuse Fee

Overdraft Excess Charge

- Maintenance Charge
- Monthly Maintenance Charge
- Unarranged Borrowing Fee
- Unarranged Overdraft/s Fee
- Unauthorised Overdraft/s Fee

Any other unarranged borrowing or unpaid item charges of the same nature as those set out above, but not specifically named in the relevant contractual documentation.

Documents:

National Westminster Bank plc

(i) Personal Current Accounts

1. "Terms and Conditions for NatWest Personal Current Accounts" (June 2001).
"A guide to Personal Current Account Fees" (July 2001).

2. "Current Account Terms and conditions" (February 2003).
"A guide to Personal Current Account fees" (July 2003).
3. "Personal Banking Terms and Conditions" (October 2004).
"A guide to Personal Current Account fees and interest" (July 2005).
4. "Personal Banking Terms and Conditions" (June 2007).
"A guide to Personal Current Account fees and interest" (June 2007).
5. "Personal Banking Terms and Conditions" (October 2007).
"A guide to Personal Current Account fees and interest" (September 2007).

In relation to basic accounts only:

6. "Personal and Private Banking Terms and Conditions" (December 2007).
"Personal and Private Banking A Guide to Fees and Interest" (December 2007).

(ii) Personal Current Accounts: Student and Graduate

7. "The NatWest Student Account and Student credit card" (October 1999).
"Fees for Students and Graduates Banking With NatWest" (October 1999).
8. "Students Account Application Form" (December 2002).
"Fees for Students and Graduates Banking With NatWest" (June 2002) / "Students and Graduates – Charges and Rates of Interest" (August 2002) / "Charges and Rates of Interest" (August 2003).
"A guide to Personal Current Account fees" (July 2003).
9. "Graduates Terms and Conditions" (May 2003).
"Fees for Students and Graduates Banking With NatWest" (June 2002) / "Students and Graduates – Charges and Rates of Interest" (August 2002) / "Charges and Rates of Interest" (August 2003).

"A guide to Personal Current Account fees" (July 2003).

10. "Student & Graduate Terms and Conditions" (July 2004).

"Charges and Rates of Interest" (June 2004) / "Charges and Rates of Interest" (September 2004).

"A guide to Personal Current Account fees and interest" (July 2005).

11. "Student & Graduate Account Terms and Conditions" (June 2007).

"A guide to Personal Current Account fees and interest" (June 2007).

12. "Student & Graduate Account Terms and Conditions" (June 2007).

"A guide to Personal Current Account fees and interest" (September 2007).

(iii) Personal Current Accounts: Youth

13. "Youth Terms and Conditions" (February 2007).

"A guide to Personal Current Account fees and interest" (June 2007).

14. "Youth Terms and Conditions" (September 2007).

"A guide to Personal Current Account fees and interest" (September 2007).

The Royal Bank of Scotland plc

(i) Personal Current Accounts

1. "Current Accounts Account Terms and Conditions" (June 2001).

"Charges and rates of interest Current Accounts" (June 2001).

2. "Account Terms and Conditions" (March 2003).

"Charges and rates of interest" (February 2003).

3. "Terms and Conditions Personal Customers" (June 2005).

"Charges and rates of interest" (June 2005).

4. "Terms and Conditions Personal Customers" (February 2007).

"Charges and rates of interest" (May 2007).

5. "Terms and Conditions Personal Customers" (October 2007).

"Charges and rates of interest" (September 2007).

"Charges and rates of interest - Private Banking Deposit Account - Royalties Private - Private Bank Account" (August 2007).

In relation to basic accounts only:

6. "Personal and Private Banking Terms and Conditions" (December 2007).

"Personal Banking Charges and Rates of Interest" (December 2007).

(ii) Personal Current Accounts: Student and Graduate

7. "Current Accounts Student Royalties account application form and Terms and Conditions" (June 2001).

"Charges and rates of interest Student Royalties account" (October 2000).

8. "Current Accounts Graduate Royalties Account application form and Terms and Conditions" (June 2001).

"Current Accounts Charges and rates of interest for Graduates" (May 2001).

9. "Application form Student Royalties - Graduate Royalties - Graduate Loans - Student Professional Loans" (June 2003).

"Charges and rates of interest - Student Royalties - Graduate Royalties - Graduate Loans - Student Professional Loans" (July 2003).

10. "Terms and Conditions - Student Royalties - Graduate Royalties" (May 2005).

"Charges and rates of interest - Student Royalties - Graduate Royalties - Graduate Loans - Student Professional Loans" (June 2005).

11. "Terms and Conditions - Student Royalties - Graduate Royalties" (December 2006).

"Charges and rates of interest - Student Royalties - Graduate Royalties - Graduate Loans - Student Professional Loans" (May 2007).

12. "Terms and Conditions - Student Royalties - Graduate Royalties" (December 2006).

"Charges and rates of interest - Student Royalties - Graduate Royalties - Graduate Loans - Student Professional Loans" (October 2007).