

IN THE COURT OF APPEAL (CIVIL DIVISION)

ON APPEAL FROM

THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

BETWEEN:

STRATEGIC TECHNOLOGIES PTE LTD	<u>Respondent</u>
- and -	
PROCUREMENT BUREAU OF THE REPUBLIC OF CHINA MINISTRY OF NATIONAL DEFENCE	<u>Appellant</u>

ORDER

UPON the Appellant's appeal against the Order of Mrs Justice Carr dated 21 February 2020 dismissing the Appellant's application to set aside the Order of Master Yoxall dated 4 April 2016

AND UPON HEARING counsel for the Appellant, Mr Andrew Onslow QC, and Counsel for the Respondent, Mr Hashim Reza

IT IS ORDERED that:

1. The appeal is allowed.
2. The Order of Master Yoxall dated 4 April 2016 is set aside.
3. Permission to appeal to the Supreme Court is refused.
4. The sum of £1,000,000 paid into Court by the Appellant on 13 March 2020 is to be paid out to the Appellant, together with such interest as has accrued; provided that in the event that the Respondent makes an application to the Supreme Court for permission to appeal by 21 December 2020 this sum shall not be paid out until after the Supreme Court has determined that application.

5. As to costs:

- (i) Paragraph 2 of Carr J.'s Order dated 26 February 2020 is set aside.
- (ii) The Respondent is to pay:
 - (a) the Appellant's costs of its application in the court below to set aside the Order of Master Yoxall dated 4 April 2016, to be assessed on the standard basis if not agreed;
 - (b) the Appellant's costs of the appeal, to be assessed on the standard basis if not agreed.
- (iii) The Respondent is to pay £300,000 on account of costs to the Appellant by 4pm on 21 December 2020.
- (iv) The Respondent is to pay the Appellant interest on the costs ordered in (ii) above from the date that the costs were paid by the Appellant to its solicitors at the rate of 1.5% above base.

Dated this 30 November 2020.