



IN THE SUPREME COURT OF THE UNITED KINGDOM

25 NOVEMBER 2009

Before:

Lord Phillips
Lord Walker
Lady Hale
Lord Mance
Lord Neuberger

***Office of Fair Trading (Respondents) v.
Abbey National Plc and Others (Appellants)***

After hearing Counsel for the Appellants and Counsel for the Respondents on 23, 24 and 25 June 2009

THE COURT ORDERED that

- (1) The appeal be allowed
- (2) Paragraphs 1 and 2 of the order made by the Court of Appeal on 26 February 2009 and paragraph 1(A) of the orders sealed on 12 June 2008 and 1 July 2008 and paragraph 1 of the order sealed on 28 October 2008 as amended on 25 February 2009, in each case made by Mr Justice Andrew Smith in the Commercial Court of the Queen's Bench Division of the High Court, be set aside
- (3) A declaration be made

THAT, the bank charges levied on personal current account customers in respect of unauthorised overdrafts (including unpaid item charges and other related charges) constitute part of the price or remuneration for the banking services provided and, in so far as the terms giving rise to the charges are in plain intelligible language, no assessment under the Unfair Terms in Consumer Contracts Regulations 1999 of the fairness of those terms may relate to their adequacy as against the services supplied

- (4) The bank charges referred to in the declaration at paragraph (3) above and the terms giving rise to them are the bank charges and terms that are identified in Schedule 1 to each of the orders of Mr Justice Andrew Smith referred to at paragraph (2) above
- (5) There be no order for costs

Louise di Stantho.

Registrar
25 November 2009

