

Fair Trading Act 1973

CHAPTER 41

ARRANGEMENT OF SECTIONS

PART I

INTRODUCTORY

Section

1. Director General of Fair Trading.
2. General functions of Director.
3. Consumer Protection Advisory Committee.
4. The Monopolies and Mergers Commission.
5. Principal functions of Commission.
6. Monopoly situation in relation to supply of goods.
7. Monopoly situation in relation to supply of services.
8. Monopoly situation in relation to exports.
9. Monopoly situation limited to part of United Kingdom.
10. Supplementary provisions relating to ss. 6 to 9.
11. Meaning of "complex monopoly situation".
12. Powers of Secretary of State in relation to functions of Director.

PART II

REFERENCES TO CONSUMER PROTECTION ADVISORY COMMITTEE

General provisions

13. Meaning of "consumer trade practice".
14. General provisions as to references to Advisory Committee.
15. Exclusion from s. 14 in respect of certain services.
16. Restriction on references under s. 14 in respect of certain goods and services.
17. Reference to Advisory Committee proposing recommendation to Secretary of State to make an order.
18. No such recommendation to be made except in pursuance of reference to which s. 17 applies.
19. Scope of recommendation proposed in reference to which s. 17 applies.
20. Time-limit and quorum for report on reference to which s. 17 applies.
21. Report of Advisory Committee on reference to which s. 17 applies.

Order in pursuance of report of Advisory Committee

22. Order of Secretary of State in pursuance of report on reference to which s. 17 applies.

Section

- 23. Penalties for contravention of order under s. 22.
- 24. Offences due to default of other person.
- 25. Defences in proceedings under s. 23.
- 26. Limitation of effect of orders under s. 22.

Enforcement of orders

- 27. Enforcing authorities.
- 28. Power to make test purchases.
- 29. Power to enter premises and inspect and seize goods and documents.
- 30. Offences in connection with exercise of powers under s. 29.
- 31. Notice of test.
- 32. Compensation for loss in respect of goods seized under s. 29.
- 33. Application of Part II to Northern Ireland.

PART III

ADDITIONAL FUNCTIONS OF DIRECTOR
FOR PROTECTION OF CONSUMERS

- 34. Action by Director with respect to course of conduct detrimental to interests of consumers.
- 35. Proceedings before Restrictive Practices Court.
- 36. Evidence in proceedings under s. 35.
- 37. Order of, or undertaking given to, Court in proceedings under s. 35.
- 38. Provisions as to persons consenting to or conniving at courses of conduct detrimental to interests of consumers.
- 39. Order of, or undertaking given to, Court in proceedings under s. 38.
- 40. Provisions as to interconnected bodies corporate.
- 41. Concurrent jurisdiction of other courts in certain cases.
- 42. Appeals from decisions or orders of courts under Part III.
- 43. Legal aid in proceedings under Part III in Restrictive Practices Court.

PART IV

FUNCTIONS OF DIRECTOR AND COMMISSION IN RELATION
TO MONOPOLY SITUATIONS AND UNCOMPETITIVE PRACTICES*Powers for Director to require information*

- 44. General power for Director to require information.
- 45. Special power to require information with respect to complex monopoly situations.
- 46. Supplementary provisions as to requirements to furnish information.

Monopoly references

Section

47. General provisions as to monopoly references.
48. Monopoly reference limited to the facts.
49. Monopoly reference not limited to the facts.
50. Monopoly references by Director.
51. Monopoly references by Ministers.
52. Variation of monopoly reference.
53. Publication of monopoly references and variations, and of directions relating to them.
54. Report of Commission on monopoly reference.
55. Time-limit for report on monopoly reference.
56. Order of appropriate Minister on report on monopoly reference.

PART V

MERGERS

Newspaper merger references

57. Meaning of "newspaper", "transfer of newspaper or of newspaper assets" and related expressions.
58. Prohibition of certain newspaper mergers.
59. Newspaper merger reference.
60. Time-limit for report on newspaper merger reference.
61. Report on newspaper merger reference.
62. Enforcement provisions relating to newspaper mergers.

Other merger references

63. Merger references to which ss. 64 to 75 apply.
64. Merger situation qualifying for investigation.
65. Enterprises ceasing to be distinct enterprises.
66. Time when enterprises cease to be distinct.
67. Valuation of assets taken over.
68. Supplementary provisions as to merger situations qualifying for investigation.
69. Different kinds of merger references.
70. Time-limit for report on merger reference.
71. Variation of certain merger references.
72. Report of Commission on merger reference.
73. Order of Secretary of State on report on merger reference.
74. Interim order in respect of merger reference.
75. Reference in anticipation of merger.

Supplementary

76. Functions of Director in relation to merger situations.
77. Associated persons.

PART VI**REFERENCES TO COMMISSION OTHER THAN
MONOPOLY AND MERGER REFERENCES****Section**

- 78. General references.
- 79. References as to restrictive labour practices.
- 80. Variation of reference under Part VI.

PART VII**PROVISIONS RELATING TO REFERENCES TO
ADVISORY COMMITTEE OR TO COMMISSION**

- 81. Procedure in carrying out investigations.
- 82. General provisions as to reports.
- 83. Laying before Parliament and publication of reports.

PART VIII**ADDITIONAL PROVISIONS RELATING TO REFERENCES TO
COMMISSION**

- 84. Public interest.
- 85. Attendance of witnesses and production of documents.
- 86. Director to receive copies of reports.
- 87. Supplementary provisions as to laying reports before Parliament.
- 88. Action by Director in consequence of report of Commission on monopoly or merger reference.
- 89. Interim order after report of Commission under s. 54 or s. 72.
- 90. General provisions as to orders under ss. 56, 73, 74 and 89.
- 91. Procedure relating to orders to which s. 90 applies.
- 92. Investigation of company or association with reference to order to which s. 90 applies.
- 93. Enforcement of orders to which s. 90 applies.

PART IX**AMENDMENTS OF RESTRICTIVE TRADE PRACTICES ACTS**

- 94. Transfer of functions of Registrar to Director.
- 95. Agreements as to prices to be recommended or suggested for resale of goods.
- 96. Subscriptions to trade associations.
- 97. "Trade association" not to include certain approved societies.
- 98. Wholesale co-operative societies.
- 99. Agreements relating to coal or steel.
- 100. Agreements to comply with standards of performance.

Section

101. Patent or design pooling agreements.
102. Particulars of export agreements to be furnished to Director.
103. Examination on oath of certain employees of bodies corporate and unincorporated trade associations.
104. Extension of certain powers of Restrictive Practices Court.
105. Interim orders of Restrictive Practices Court.
106. Industrial and provident societies and their subsidiaries.

PART X

EXTENSION OF ACT OF 1956 TO AGREEMENTS
RELATING TO SERVICES

107. Order bringing under control restrictive agreements relating to services.
108. Order bringing under control information agreements relating to services.
109. Designated services.
110. Supplementary provisions as to orders under s. 107 or s. 108.
111. Procedure in relation to orders under s. 107 or s. 108.
112. Provisions as to certain associations.
113. Matters to be treated as equivalent to restrictions for purposes of s. 107.
114. Provisions to be disregarded.
115. Excepted agreements.
116. Application of provisions of Acts of 1956 and 1968.
117. Interpretation of Part X and Schedule 10.

PART XI

PYRAMID SELLING AND SIMILAR TRADING SCHEMES

118. Trading schemes to which Part XI applies.
119. Regulations relating to such trading schemes.
120. Offences under Part XI.
121. Defences in certain proceedings under Part XI.
122. Penalties for offences under Part XI.
123. Enforcement provisions.

PART XII

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

124. Publication of information and advice.
125. Annual and other reports of Director.
126. Special provisions relating to patents.
127. Additional power to make orders under Agricultural Marketing Act 1958.
128. Order superseded by declaration of Restrictive Practices Court.

Section

- 129. Time-limit for prosecutions.
- 130. Notice to Director of intended prosecution.
- 131. Notification of convictions and judgments to Director.
- 132. Offences by bodies corporate.
- 133. General restrictions on disclosure of information.
- 134. Provisions as to orders.
- 135. Financial provisions.
- 136. Powers of Parliament of Northern Ireland.
- 137. General interpretation provisions.
- 138. Supplementary interpretation provisions.
- 139. Amendments, repeals and transitional provisions.
- 140. Short title, citation, commencement and extent.

SCHEDULES:

- Schedule 1—Director General of Fair Trading.
- Schedule 2—Consumer Protection Advisory Committee.
- Schedule 3—The Monopolies and Mergers Commission.
- Schedule 4—Services excluded from sections 14 and 109.
- Schedule 5—Goods and services referred to in section 16.
- Schedule 6—Matters falling within scope of proposals under section 17.
- Schedule 7—Goods and services (in addition to those in Schedule 5) wholly or partly excluded from section 50.
- Schedule 8—Powers exercisable by orders under sections 56 and 73.
- Schedule 9—Procedure preliminary to laying draft of order to which section 91(1) applies.
- Schedule 10—Modifications of Acts of 1956 and 1968 relation to services.
- Schedule 11—Transitional provisions and savings.
- Schedule 12—Enactments amended.
- Schedule 13—Enactments repealed.