



Fair Trading Act 1973

CHAPTER 41

FAIR TRADING ACT 1973

PART I

INTRODUCTORY

- 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
- 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

- 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

- 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
- 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
- 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

- 1 There shall be paid to the Director such remuneration, and...
- 2 In the case of any such holder of the office...
- 3 If, when any person ceases to hold office as the...
- 4 In the House of Commons Disqualification Act 1957, in Part...
- 5 The Director shall have an official seal for the authentication...
- 6 The Documentary Evidence Act 1868 shall have effect as if...
- 7 Anything authorised or required by or under this Act or...

SCHEDULE 2 — Consumer Protection Advisory Committee

Status: This is the original version (as it was originally enacted).

Status of Committee

- 1 Members of the Advisory Committee in their capacity as such...

Tenure of office of members

- 2 (1) Subject to the following provisions of this paragraph, a...

Tenure of office of chairman and deputy chairman

- 3 (1) The chairman or deputy chairman of the Advisory Committee...

Remuneration and allowances

- 4 There shall be paid to the members of the Advisory...

General provisions as to sums payable on retirement or death of members

- 5 As regards any member of the Advisory Committee in whose...
- 6 If, when any person ceases to be a member of...

Procedure of Committee

- 7 In the case of an equality of votes on any...
- 8 At any time when the chairman is absent or otherwise...
- 9 At any time when the chairman and deputy chairman of...

SCHEDULE 3 — The Monopolies and Mergers Commission

PART I — STATUS, TERMS OF OFFICE, AND STAFF

Status of Commission

- 1 Members of the Commission in their capacity as such shall...

Tenure of office of regular members

- 2 (1) Subject to the following provisions of this paragraph, a...

Appointment and tenure of office of chairman and deputy chairmen

- 3 (1) There shall be a chairman of the Commission appointed...

Staff

- 4 The Commission shall have a secretary, who shall be a...
- 5 The Commission may appoint such other staff as the
Commission think fit,...

Remuneration and allowances

- 6 There shall be paid to the members of the Commission...
- 7 There shall be paid to the staff of the Commission...

General provisions as to sums payable on retirement or death of members

- 8 As regards any member of the Commission in whose case...
- 9 If, when any person ceases to be a member of...

PART II — PERFORMANCE OF FUNCTIONS OF COMMISSION

- 10 (1) If the chairman of the Commission so directs—

- 11 Where, after a direction under paragraph 10 of this Schedule...
- 12 The chairman may appoint one of the members of a...
- 13 (1) Where during the proceedings of a group—
- 14 (1) At the invitation of the chairman of a group,...
- 15 In determining their procedure, and in exercising any powers conferred...
- 16 (1) Subject to the next following sub-paragraph, anything done by...
- 17 The quorum necessary— (a) for any meeting of the Commission...
- 18 The quorum necessary for a meeting of a group shall...
- 19 In the case of an equality of votes on any...
- 20 At any time when the chairman is absent or otherwise...
- 21 At any time when every person who is chairman or...
- 22 For the purposes of a newspaper merger reference the Secretary...

SCHEDULE 4 — Services Excluded from Sections 14 and 109

- 1 Legal services (that is to say, the services of barristers,...
- 2 Medical services (that is to say, the provision of medical...
- 3 Dental services (that is to say, any services falling within...
- 4 Ophthalmic services (that is to say, the testing of sight)....
- 5 Veterinary services (that is to say, any services which constitute...
- 6 Nursing services (that is to say, any services which constitute...
- 7 The services of midwives, physiotherapists or chiropodists in their capacity...
- 8 The services of architects in their rapacity as such.
- 9 Accounting and auditing services (that is to say, the making...
- 10 The services of patent agents (within the meaning of the...
- 11 The services of parliamentary agents entered in the register in...
- 12 The services of surveyors (that is to say, of surveyors...
- 13 The services of professional engineers or technologists (that is to...
- 14 Services consisting of the provision— (a) of primary, secondary or...
- 15 The services of ministers of religion in their capacity as...

SCHEDULE 5 — Goods and Services Referred to in Section 16

PART I — GENERAL RESTRICTION

- 1 Gas supplied through pipes, otherwise than for industrial purposes as...
- 2 Natural gas (that is to say, gas derived from natural...
- 3 Electricity.
- 4 The carriage of passengers by road or rail.
- 5 The carriage of goods by rail.
- 6 The services of conveying, receiving, collecting, despatching and delivering letters....
- 7 The running of any system for the conveyance, through the...

PART II — LIMITED RESTRICTION

SCHEDULE 6 — Matters Falling Within Scope of Proposals Under Section 17

- 1 Prohibition of the specified consumer trade practice either generally or...
- 2 Prohibition of specified consumer transactions unless carried out at specified...
- 3 Prohibition of the inclusion in specified consumer transactions of terms...
- 4 A requirement that contracts relating to specified consumer transactions shall...
- 5 A requirement that contracts or other documents relating to specified...

6 A requirement that specified information shall be given to parties...

SCHEDULE 7 — Goods and Services (in addition to those in Schedule 5) Wholly or Partly Excluded from Section 50

PART I — GOODS AND SERVICES WHOLLY EXCLUDED

- 1 Raw cane or beet sugar.
- 2 Sugar beet.
- 3 Hops.
- 4 Water.
- 5 Port facilities (as defined by- section 92(1) of the Transport...
- 6 Air navigation services (as defined by section 64(1) of the...
- 7 The carriage of passengers or goods by air.
- 8 The provision by programme contractors of programmes for transmission (whether...

PART II — GOODS AND SERVICES PARTLY EXCLUDED

PART III — GOODS PARTLY EXCLUDED IN RELATION TO NORTHERN IRELAND ONLY

SCHEDULE 8 — Powers Exercisable by Orders Under Sections 56 and 73

PART I — POWERS EXERCISABLE IN ALL CASES

- 1 Subject to paragraph 3 of this Schedule, an order under...
- 2 Subject to the next following paragraph, an order may require...
- 3 (1) An order shall not by virtue of paragraph 1...
- 4 An order may declare it to be unlawful, except to...
- 5 An order may declare it to be unlawful, except to...
- 6 An order may declare it to be unlawful, except to...
- 7 An order may declare it to be unlawful, except to...
- 8 An order may declare it to be unlawful, except to...
- 9 An order may require a person supplying goods or services...
- 10 (1) Subject to the following provisions of this paragraph, an...
- 11 An order may declare it to be unlawful, except to...
- 12 (1) An order may prohibit or restrict the acquisition by...
- 13 In this Part of this Schedule "the appropriate Minister", in...
PART II — POWERS EXERCISABLE EXCEPT IN CASES FALLING WITHIN SECTION 56(6)
- 14 An order may provide for the division of any business...
- 15 In relation to an order under section 73 of this...

SCHEDULE 9 — Procedure Preliminary to Laying Draft of Order to which Section 91(1) Applies

- 1 The provisions of this Schedule shall have effect where the...
- 2 The Secretary of State shall cause notice of his intention...
- 3 A notice under this Schedule shall— (a) state that it...
- 4 The Secretary of State shall consider any representation that is...

SCHEDULE 10 — Modifications of Acts of 1956 and 1968 in relation to services

PART I — MODIFICATIONS OF ACT OF 1956

PART II — MODIFICATIONS OF ACT OF 1968

SCHEDULE 11 — Transitional Provisions and Savings

General provisions

- 1 (1) Subject to the following provisions of this Schedule, in...
- 2 For the purposes of the operation of paragraph 1 of...
- 3 Without prejudice to any express amendment made by this Act,...
- 4 Where any period of time specified in an enactment repealed...
- 5 Without prejudice to paragraph 1 of this Schedule, any reference...
- 6 Nothing in this Act shall affect the repealed enactments in...

Reference made to Commission before commencement of Act

- 7 (1) Any reference made to the Commission under the repealed...

Report of Commission made before 5th August 1965

- 8 An order made under section 56 of this Act in...

Undertaking given in consequence of report on reference made under repealed enactments

- 9 (1) This paragraph applies to any undertaking given to a...

Functions of Director in relation to orders made under Acts of 1948 and 1965

- 10 Subsection (5) of section 88 of this Act shall have...

Provisions consequential upon transfer of functions from Registrar to Director

- 11 (1) Except as provided by paragraph 15 of this Schedule,...

Particulars of export agreements

- 12 Any particulars furnished to the Board of Trade or to...

Restrictive Trade Practices Act 1968, s. II

- 13 An agreement which— (a) was made before the commencement of...

Pension benefits

- 14 The repeal by this Act of the following enactments, that...
- 15 (1) The repeal by this Act of subsections (7) and...

Trade Descriptions Act 1968, s. 30

- 16 The repeal by this Act of subsections (2) to (4)...

SCHEDULE 12 — Enactments Amended

SCHEDULE 13 — Enactments Repealed