



Fair Trading Act 1973

1973 CHAPTER 41

PART VII

PROVISIONS RELATING TO REFERENCES TO ADVISORY COMMITTEE OR TO COMMISSION

81 Procedure in carrying out investigations

- (1) The Advisory Committee, in carrying out an investigation on a reference to which section 17 of this Act applies, and the Commission, in carrying out an investigation on a reference made to them under this Act (whether it is a monopoly reference or a merger reference or a reference under Part VI of this Act),—
 - (a) shall take into consideration any representations made to them by persons appearing to them to have a substantial interest in the subject-matter of the reference, or by bodies appearing to them to represent substantial numbers of persons who have such an interest, and
 - (b) unless in all the circumstances they consider it not reasonably necessary or not reasonably practicable to do so, shall permit any such person or body to be heard orally by the Advisory Committee or the Commission, as the case may be, or by a member of the Committee or of the Commission nominated by them for that purpose.
- (2) Subject to subsection (1) of this section, the Advisory Committee or the Commission may determine their own procedure for carrying out any investigation on a reference under this Act, and in particular may determine—
 - (a) the extent, if any, to which persons interested or claiming to be interested in the subject-matter of the reference are allowed to be present or to be heard, either by themselves or by their representatives, or to cross-examine witnesses or otherwise take part in the investigation, and
 - (b) the extent, if any, to which the sittings of the Advisory Committee or of the Commission are to be held in public.
- (3) In determining their procedure under subsection (2) of this section, and, in the case of the Commission, in exercising any powers conferred on them by section 85 of this Act, the Advisory Committee or the Commission, as the case may be, shall act in

accordance with any general directions which may from time to time be given to them by the Secretary of State.

- (4) The Secretary of State shall lay before each House of Parliament a copy of any directions given by him under subsection (3) of this section.

82 General provisions as to reports

- (1) In making any report under this Act the Advisory Committee or the Commission shall have regard to the need for excluding, so far as that is practicable,—

- (a) any matter which relates to the private affairs of an individual, where the publication of that matter would or might, in their opinion, seriously and prejudicially affect the interests of that individual, and
- (b) any matter which relates specifically to the affairs of a particular body of persons, whether corporate or un-corporate, where publication of that matter would or might, in the opinion of the Advisory Committee or of the Commission, as the case may be, seriously and prejudicially affect the interests of that body, unless in their opinion the inclusion of that matter relating specifically to that body is necessary for the purposes of the report.

- (2) For the purposes of the law relating to defamation, absolute privilege shall attach to any report of the Advisory Committee or of the Commission under this Act.

- (3) Subject to the next following subsection, if—

- (a) on a reference to the Advisory Committee under this Act, or
- (b) on a reference to the Commission, other than a monopoly reference limited to the facts,

a member of the Advisory Committee or of the Commission, as the case may be, dissents from any conclusions contained in the report on the reference as being conclusions of the Committee or of the Commission, the report shall, if that member so desires, include a statement of his dissent and of his reasons for dissenting.

- (4) In relation to a report made by a group of members of the Commission in pursuance of paragraph 10 or paragraph 11 of Schedule 3 to this Act, subsection (3) of this section shall have effect subject to paragraph 14(1) of that Schedule.

83 Laying before Parliament and publication of reports

- (1) The Minister or Ministers to whom any report of the Advisory Committee on a reference to which section 17 of this Act applies, or any report of the Commission under this Act, is made shall lay a copy of the report before each House of Parliament, and shall arrange for the report to be published in such manner as appears to the Minister or Ministers to be appropriate.

- (2) If such a report is presented by command of Her Majesty to either House of Parliament otherwise than at or during the time of a sitting of that House, the presentation of the report shall for the purposes of this section be treated as the laying of a copy of it before that House by the Minister or Ministers to whom the report was made.

- (3) If it appears to the Minister or Ministers to whom any report of the Advisory Committee or of the Commission under this Act is made that the publication of any matter in the report would be against the public interest, the Minister or Ministers shall exclude that matter from the copies of the report as laid before Parliament and from the report as published under this section.

- (4) Any reference in this Act to a report of the Advisory Committee or of the Commission as laid before Parliament shall be construed as a reference to the report in the form in which copies of it are laid (or by virtue of subsection (2) of this section are treated as having been laid) before each House of Parliament under this section.