

SCHEDULES

SCHEDULE 8

Section 56, 73, 74, 77, 89 and 91.

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 section 56 or section 73 of this Act (in this Schedule referred to as an "order") may declare it to be unlawful, except to such extent and in such circumstances as may be provided by or under the order, to make or to carry out any such agreement as may be specified or described in the order.
- 2 Subject to the next following paragraph, an order may require any party to any such agreement as may be specified or described in the order to terminate the agreement within such time as may be so specified, either wholly or to such extent as may be so specified.
- 3
 - (1) An order shall not by virtue of paragraph 1 of this Schedule declare it to be unlawful to make any agreement in so far as, if made, it would be an agreement to which Part I of the Act of 1956 would apply.
 - (2) An order shall not by virtue of paragraph 1 or paragraph 2 of this Schedule declare it to be unlawful to carry out, or require any person to terminate, an agreement in so far as it is an agreement to which Part I of the Act of 1956 applies.
 - (3) An order shall not by virtue of either of those paragraphs declare it to be unlawful to make or to carry out, or require any person to terminate, an agreement in so far as, if made, it would relate, or (as the case may be) in so far as it relates, to the terms and conditions of employment of any workers, or to the physical conditions in which any workers are required to work.
 - (4) In this paragraph "terms and conditions of employment" has the meaning assigned to it by section 167(1) of the Industrial Relations Act 1971.
- 4 An order may declare it to be unlawful, except to such extent and in such circumstances as may be provided by or under the order, to withhold or to agree to withhold or to threaten to withhold, or to procure others to withhold or to agree to withhold or threaten to withhold, from any such persons as may be specified or described in the order, any supplies or services so specified or described or any orders for such supplies or services (whether the withholding is absolute or is to be effectual only in particular circumstances).
- 5 An order may declare it to be unlawful, except to such extent and in such circumstances as may be provided by or under the order, to require, as a condition of the supplying of goods or services to any person,—
 - (a) the buying of any goods, or

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- (b) the making of any payment in respect of services other than the goods or services supplied, or
 - (c) the doing of any other such matter as may be specified or described in the order.
- 6 An order may declare it to be unlawful, except to such extent and in such circumstances as may be provided by or under the order,—
- (a) to discriminate in any manner specified or described in the order between any persons in the prices charged for goods or services so specified or described, or
 - (b) to do anything so specified or described which appears to the appropriate Minister to amount to such discrimination,
- or to procure others to do any of the things mentioned in sub-paragraph (a) or sub-paragraph (b) of this paragraph.
- 7 An order may declare it to be unlawful, except to such extent and in such circumstances as may be provided by or under the order,—
- (a) to give or agree to give in other ways any such preference in respect of the supply of goods or services, or the giving of orders for goods or services, as may be specified or described in the order, or
 - (b) to do anything so specified or described which appears to the appropriate Minister to amount to giving such preference,
- or to procure others to do any of the things mentioned in sub-paragraph (a) or sub-paragraph (b) of this paragraph.
- 8 An order may declare it to be unlawful, except to such extent and in such circumstances as may be provided by or under the order, to charge for goods or services supplied prices differing from those in any published list or notification, or to do anything specified or described in the order which appears to the appropriate Minister to amount to charging such prices.
- 9 An order may require a person supplying goods or services to publish a list of or otherwise notify prices, with or without such further information as may be specified or described in the order.
- 10 (1) Subject to the following provisions of this paragraph, an order may, to such extent and in such circumstances as may be provided by or under the order, regulate the prices to be charged for any goods or services specified or described in the order.
- (2) An order shall not exercise the power conferred by the preceding sub-paragraph in respect of goods or services of any description unless the matters specified in the relevant report as being those which in the opinion of the Commission operate, or may be expected to operate, against the public interest relate, or include matters relating, to the prices charged for goods or services of that description.
- (3) In this paragraph " the relevant report " in relation to an order, means the report of the Commission in consequence of which the order is made, in the form in which that report is laid before Parliament.
- 11 An order may declare it to be unlawful, except to such extent and in such circumstances as may be provided by or under the order, for any person, by publication or otherwise, to notify, to persons supplying goods or services, prices recommended or suggested as appropriate to be charged by those persons for those goods or services.

- 12 (1) An order may prohibit or restrict the acquisition by any person of the whole or part of the undertaking or assets of another person's business, or the doing of anything which will or may have a result to which this paragraph applies, or may require that, if such an acquisition is made or anything is done which has such a result, the persons concerned or any of them shall thereafter observe any prohibitions or restrictions imposed by or under the order.
- (2) This paragraph applies to any result which consists in two or more bodies corporate becoming interconnected bodies corporate.
- (3) Where an order is made in consequence of a report of the Commission under section 72 of this Act, or is made under section 74 of this Act, this paragraph also applies to any result (other than that specified in sub-paragraph (2) of this paragraph) which, in accordance with section 65 of this Act, consists in two or more enterprises ceasing to be distinct enterprises.
- 13 In this Part of this Schedule "the appropriate Minister", in relation to an order, means the Minister by whom the order is made.

PART II

POWERS EXERCISABLE EXCEPT IN CASES FALLING WITHIN SECTION 56(6)

- 14 An order may provide for the division of any business by the sale of any part of the undertaking or assets or otherwise (for which purpose all the activities carried on by way of business by any one person or by any two or more interconnected bodies corporate may be treated as a single business), or for the division of any group of interconnected bodies corporate, and for all such matters as may be necessary to effect or take account of the division, including—
- (a) the transfer or vesting of property, rights, liabilities or obligations;
 - (b) the adjustment of contracts, whether by discharge or reduction of any liability or obligation or otherwise ;
 - (c) the creation, allotment, surrender or cancellation of any shares, stock or securities ;
 - (d) the formation or winding up of a company or other association, corporate or unincorporate, or the amendment of the memorandum and articles or other instruments regulating any company or association ;
 - (e) the extent to which, and the circumstances in which, provisions of the order affecting a company or association in its share capital, constitution or other matters may be altered by the company or association, and the registration under any enactment of the order by companies or associations so affected;
 - (f) the continuation, with any necessary change of parties, of any legal proceedings.
- 15 In relation to an order under section 73 of this Act, the reference in paragraph 14 of this Schedule to the division of a business as mentioned in that paragraph shall be construed as including a reference to the separation, by the sale of any part of any undertaking or assets concerned or other means, of enterprises which are under common control otherwise than by reason of their being enterprises of interconnected bodies corporate.