



# Fair Trading Act 1973

## 1973 CHAPTER 41

### PART IX

#### AMENDMENTS OF RESTRICTIVE TRADE PRACTICES ACTS

#### 105 Interim orders of Restrictive Practices Court

After section 21 of the Act of 1956 there shall be inserted the following section:—

- (1) Where the Director has made an application in respect of an agreement under subsection (1) of section 20 of this Act, then at any time, whether before or after the Court has made a declaration under that subsection in respect of the agreement, but before the Court has made an order in respect of it under subsection (3) of that section, the Director may apply to the Court for an interim order under this section.
- (2) An application under this section shall specify the restrictions which appear to the Director, in relation to the agreement to which the application relates,—
  - (a) to be restrictions such as are mentioned in section 20(1) of this Act, and
  - (b) to be contrary to the public interest, and
  - (c) to be restrictions in respect of which, in accordance with the following provisions of this section, it would be appropriate for an interim order to be made.
- (3) If on an application under this section the Court is satisfied that the following conditions are fulfilled in relation to all or any of the restrictions specified in the application, that is to say—
  - (a) that they are restrictions such as are mentioned in section 20(1) of this Act;
  - (b) that they could not reasonably be expected to be shown to fall within any of paragraphs (a) to (h) of section 21(1) of this Act; and
  - (c) that the operation of the restrictions, during the period likely to elapse before an order can be made in respect of them under section 20(3) of this Act, is likely to cause material detriment to the public or a section

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of the public generally, or to a particular person who is not a party to the agreement,

the Court may, if it thinks fit, make an interim order specifying the restrictions in relation to which the Court is satisfied that those conditions are fulfilled.

- (4) Any such interim order may exercise, in respect of the restrictions specified in the order, any powers which could be exercised in respect of them by an order under section 20(3) of this Act if those restrictions had been found by the Court to be contrary to the public interest.
- (5) At any time when any such interim order is in force the Court, on the application of the Director or of any person who is subject to or entitled to the benefit of any restriction specified in the order, may discharge the order and substitute for it any interim order which could have been made on the original application under this section.
- (6) An interim order made under this section in respect of an agreement shall cease to have effect on the occurrence of whichever of the following first occurs, that is to say—
  - (a) the termination of such period, or the happening of such event, as may be specified for that purpose in the order;
  - (b) the discharge of the order by the Court;
  - (c) a declaration by the Court that the restrictions specified in the interim order are not contrary to the public interest;
  - (d) the final determination by the Court of an application under section 20(3) of this Act in respect of that agreement.”