



# Fair Trading Act 1973

## 1973 CHAPTER 41

### PART X

#### EXTENSION OF ACT OF 1956 TO AGREEMENTS RELATING TO SERVICES

#### **113 Matters to be treated as equivalent to restrictions for purposes of s.107**

- (1) For the purposes of any order made under section 107 of this Act, and for the purposes of the operation of the relevant enactments in relation to any such order, an agreement which—
  - (a) confers privileges or benefits only upon such parties as comply with conditions as to any such matters as are mentioned in subsection (3) of that section, or
  - (b) imposes obligations upon parties who do not comply with such conditions, shall be treated as an agreement under which restrictions are accepted by each of the parties in respect of those matters.
- (2) Without prejudice to the preceding subsection, an obligation on the part of any party to an agreement to make payments calculated by reference to the extent to which, or the scale on which,—
  - (a) any designated services are made available or supplied by him, or
  - (b) any services are obtained by him for the purpose of making available or supplying any designated services,if the payments are calculated, or calculated at an increased rate, in respect of an extent or scale exceeding an extent or scale specified in or ascertained in accordance with the agreement, shall, subject to the next following subsection, be treated for the purposes mentioned in the preceding subsection as a restriction in respect of the extent or scale of the designated services to be made available or supplied.
- (3) Subsection (2) of this section shall not apply to any obligation on the part of any person to make payments to an association of which he is a member, if it is such an association as is mentioned in section 112(1) of this Act and the payments are to consist only of bona fide subscriptions for membership of the association.