



# Fair Trading Act 1973

## 1973 CHAPTER 41

### PART III

#### ADDITIONAL FUNCTIONS OF DIRECTOR FOR PROTECTION OF CONSUMERS

#### **37 Order of, or undertaking given to, Court in proceedings under s.35**

- (1) Where in any proceedings before the Restrictive Practices Court under section 35 of this Act—
- (a) the Court finds that the person against whom the proceedings are brought (in this section referred to as "the respondent") has in the course of a business carried on by him persisted in such a course of conduct as is mentioned in section 34(1) of this Act, and
  - (b) the respondent does not give an undertaking to the Court under subsection (3) of this section which is accepted by the Court, and
  - (c) it appears to the Court that, unless an order is made against the respondent under this section, he is likely to continue that course of conduct or to carry on a similar course of conduct,
- the Court may make an order against the respondent under this section.
- (2) An order of the Court under this section shall (with such degree of particularity as appears to the Court to be sufficient for the purposes of the order) indicate the nature of the course of conduct to which the finding of the Court under subsection (1)(a) of this section relates, and shall direct the respondent—
- (a) to refrain from continuing that course of conduct, and
  - (b) to refrain from carrying on any similar course of conduct in the course of his business.
- (3) Where in any proceedings under section 35 of this Act the Court makes such a finding as is mentioned in subsection (1)(a) of this section, and the respondent offers to give to the Court an undertaking either—
- (a) to refrain as mentioned in paragraphs (a) and (b) of subsection (2) of this section, or

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*Status: This is the original version (as it was originally enacted).*

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- (b) to take particular steps which, in the opinion of the Court, would suffice to prevent a continuance of the course of conduct to which the complaint relates and to prevent the carrying on by the respondent of any similar course of conduct in the course of his business,

the Court may, if it thinks fit, accept that undertaking instead of making an order under this section.