



Fair Trading Act 1973

1973 CHAPTER 41

PART III

ADDITIONAL FUNCTIONS OF DIRECTOR FOR PROTECTION OF CONSUMERS

39 Order of, or undertaking given to, Court in proceedings under s.38

- (1) Where in any proceedings brought against the accessory before the Restrictive Practices Court under section 38 of this Act—
 - (a) the Court finds that the conditions specified in paragraphs (a) and (b) of subsection (4) of that section are fulfilled in the case of the accessory, and
 - (b) the accessory 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 accessory under this section, it is likely that he will not refrain from acting in one or more of the ways mentioned in paragraphs (a) to (c) of subsection (4) of that section,the Court may make an order against the accessory 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 accessory, in relation to the course of conduct so indicated, to refrain from acting in any of the ways mentioned in paragraphs (a) to (c) of subsection (4) of section 38 of this Act.
- (3) Where in any proceedings under section 38 of this Act the Court makes such a finding as is mentioned in subsection (1)(a) of this section, and the accessory offers to give to the Court an undertaking either—
 - (a) to refrain from acting in any of the ways mentioned in paragraphs (a) to (c) of subsection (4) of that section, or
 - (b) to take particular steps which, in the opinion of the Court, would suffice to prevent him from acting in any of those ways,

Status: This is the original version (as it was originally enacted).

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