



Fair Trading Act 1973

1973 CHAPTER 41

PART IV

FUNCTIONS OF DIRECTOR AND COMMISSION IN RELATION TO MONOPOLY SITUATIONS AND UNCOMPETITIVE PRACTICES

Monopoly references

56 Order of appropriate Minister on report on monopoly reference

- (1) The provisions of this section shall have effect where a report of the Commission on a monopoly reference not limited to the facts has been laid before Parliament in accordance with the provisions of Part VII of this Act, and the conclusions of the Commission set out in the report, as so laid,—
 - (a) include conclusions to the effect that a monopoly situation exists and that facts found by the Commission in pursuance of their investigations under section 49 of this Act operate, or may be expected to operate, against the public interest, and
 - (b) specify particular effects, adverse to the public interest which in their opinion those facts have or may be expected to have.
- (2) In the circumstances mentioned in the preceding subsection the appropriate Minister may (subject to subsection (6) of this section) by order made by statutory instrument exercise such one or more of the powers specified in Parts I and II of Schedule 8 to this Act as he considers it requisite to exercise for the purpose of remedying or preventing the adverse effects specified in the report as mentioned in the preceding subsection ; and those powers may be so exercised to such extent and in such manner as the appropriate Minister considers requisite for that purpose.
- (3) In determining whether, or to what extent or in what manner, to exercise any of those powers, the appropriate Minister shall take into account any recommendations included in the report of the Commission in pursuance of section 54(3)(b) of this Act and any advice given by the Director under section 88 of this Act.

Status: This is the original version (as it was originally enacted).

- (4) Subject to the next following subsection, in this section " the appropriate Minister " means the Secretary of State.
- (5) Where, in any such report as is mentioned in subsection (1) of this section, the person or one of the persons specified as being the person or persons in whose favour the monopoly situation in question exists is a body corporate fulfilling the following conditions, that is to say—
- (a) that the affairs of the body corporate are managed by its members, and
 - (b) that by virtue of an enactment those members are appointed by a Minister,
- then for the purpose of making any order under this section in relation to that body corporate (but not for the purpose of making any such order in relation to any other person) " the appropriate Minister" in this section means the Minister by whom members of that body corporate are appointed.
- (6) In relation to any such body corporate as is mentioned in subsection (5) of this section, the powers exercisable by virtue of subsection (2) of this section shall not include the powers specified in Part II of Schedule 8 to this Act.