



# Fair Trading Act 1973

## 1973 CHAPTER 41

### PART VI

#### REFERENCES TO COMMISSION OTHER THAN MONOPOLY AND MERGER REFERENCES

#### **79 References as to restrictive labour practices**

- (1) The Secretary of State, or the Secretary of State and any other Minister acting jointly, may at any time refer to the Commission the questions—
  - (a) whether a practice of a description specified in the reference exists and, if so, whether it is a restrictive labour practice, and
  - (b) if it exists and is a restrictive labour practice, whether it operates or may be expected to operate against the public interest and, if so, what particular effects, adverse to the public interest, it has or may be expected to have.
- (2) A reference under this section may refer those questions to the Commission either—
  - (a) in relation to commercial activities in the United Kingdom generally, or
  - (b) in relation to such commercial activities in the United Kingdom as consist of the supply of goods of a description specified in the reference, or of the supply of services of a description so specified, or of the export from the United Kingdom of goods of a description so specified.
- (3) The Commission shall examine any questions referred to them under this section and shall report to the Minister or Ministers who referred them to the Commission.
- (4) For the purposes of their functions under subsection (3) of this section the Commission shall disregard anything which appears to them to have been done, or omitted to be done, in contemplation or furtherance of an industrial dispute within the meaning of the Industrial Relations Act 1971.
- (5) In this section "restrictive labour practice" means any practice whereby restrictions or other requirements, not being restrictions or requirements relating exclusively to rates of remuneration, operate in relation to the employment of workers in any commercial activities in the United Kingdom or in relation to work done by any such workers, and are restrictions or requirements which—

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*Status: This is the original version (as it was originally enacted).*

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- (a) could be discontinued without thereby contravening the provisions of an enactment or of any instrument having effect by virtue of an enactment, and
- (b) are not necessary for, or are more stringent than is necessary for, the efficient conduct of those activities.