

Fair Trading Act 1973

1973 CHAPTER 41

PART VII

PROVISIONS RELATING TO REFERENCES TO ADVISORY COMMITTEE OR TO COMMISSION

81 **Procedure in carrying out investigations**

- (1) The Advisory Committee, in carrying out an investigation on a reference to which section 17 of this Act applies, and the Commission, in carrying out an investigation on a reference made to them under this Act (whether it is a monopoly reference or a merger reference or a reference under Part VI of this Act),—
 - (a) shall take into consideration any representations made to them by persons appearing to them to have a substantial interest in the subject-matter of the reference, or by bodies appearing to them to represent substantial numbers of persons who have such an interest, and
 - (b) unless in all the circumstances they consider it not reasonably necessary or not reasonably practicable to do so, shall permit any such person or body to be heard orally by the Advisory Committee or the Commission, as the case may be, or by a member of the Committee or of the Commission nominated by them for that purpose.
- (2) Subject to subsection (1) of this section, the Advisory Committee or the Commission may determine their own procedure for carrying out any investigation on a reference under this Act, and in particular may determine—
 - (a) the extent, if any, to which persons interested or claiming to be interested in the subject-matter of the reference are allowed to be present or to be heard, either by themselves or by their representatives, or to cross-examine witnesses or otherwise take part in the investigation, and
 - (b) the extent, if any, to which the sittings of the Advisory Committee or of the Commission are to be held in public.
- (3) In determining their procedure under subsection (2) of this section, and, in the case of the Commission, in exercising any powers conferred on them by section 85 of this Act, the Advisory Committee or the Commission, as the case may be, shall act in

Status: This is the original version (as it was originally enacted).

accordance with any general directions which may from time to time be given to them by the Secretary of State.

(4) The Secretary of State shall lay before each House of Parliament a copy of any directions given by him under subsection (3) of this section.