

## SCHEDULES

### SCHEDULE 2

Section 15(4).

#### OTHER AMENDMENTS OF 1973 ACT

- 1 (1) The power to make orders conferred by subsection (1) of section 5 of the 1973 Act (which among other things relates to the notification of price increases in time for the Commission to consider whether the Commission should exercise their powers to prevent the increase) shall—
- (a) include power to make orders to ensure that the Commission receive notice of increases in any prices or charges in time to consider whether to notify the Secretary of State in pursuance of section 4(1) of this Act that the increases should be investigated ; and
  - (b) include, and be deemed always to have included, power to make different provision for different circumstances.
- (2) In subsection (3) of the said section 5 (which provides that the length of notice required by an order under that section shall not exceed eight weeks) for the words " eight weeks " there shall be substituted the words " four weeks " ; but an order in force under that section immediately before the coming into force of this paragraph shall not be affected by that amendment unless and until the order is subsequently varied.
- 2 Section 8 of the 1973 Act (which gives power to modify Acts about prices and charges) and section 10 of that Act (which provides for restrictions on dividends) shall severally cease to be in force at the expiration of any period for which that section is continued in force or brought into force by an Order in Council made by virtue of section 2(4) of the Remuneration, Charges and Grants Act 1975.
- 3 (1) In section 15 of the 1973 Act (which provides for the obtaining of information for the purposes of that Act), after the words "this Act" in subsections (1) and (2) there shall be inserted the words " or the Price Commission Act 1977 ".
- (2) After subsection (3) of the said section 15 there shall be inserted the following subsection—
- “(3A) If a person makes default in complying with a notice or order under the preceding provisions of this section, then, without prejudice to any liability under section 17 of this Act in respect of the default, the High Court or, in Scotland, the Court of Session may, on the application of the Minister, make such order as the Court thinks fit for requiring the default to be made good; and any such order may provide that all the costs or expenses of and incidental to the application shall be borne by the person in default or by any officers of a body who are responsible for its default.

References to an order under this section in the following provisions of this section and in section 17(5) of this Act do not include an order under this subsection; and in the application of this subsection to Northern Ireland for references to the High Court there shall be substituted references to a judge of the High Court in Northern Ireland.”

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- (3) At the end of subsection (5) of the said section 15 (which among other things provides for an order under that section to be made by statutory instrument) there shall be inserted the words " ; and a statutory instrument made by virtue of this subsection after the passing of the Price Commission Act 1977 shall be subject to annulment in pursuance of a resolution of either House of Parliament ".
- 4 In section 17 of the 1973 Act (which relates to offences)—
- (a) in subsection (5) (which provides for a person to be liable on summary conviction to a fine not exceeding £400 if among other things he refuses or neglects to furnish information in pursuance of section 15 of the 1973 Act or furnishes or records false information for certain purposes of that Act) for the word " £400 " there shall be substituted the words " £1,000 or, on conviction on indictment, to a fine ";
  - (b) in subsection (6) (which penalises an officer of a body corporate for an offence committed by the body with his consent or through his neglect) after the words "this Act" there shall be inserted the words " or the Price Commission Act 1977 " and at the end of the subsection there shall be inserted the words—
 

“Where the affairs of a body corporate are managed by its members, the preceding provisions of this subsection shall apply in relation to acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate”;
  - (c) in subsection (8) (which among other things provides that nothing in the 1973 Act shall give rise to liability for conspiracy or in tort) after the words "this Act" where they first occur there shall be inserted the words " or the Price Commission Act 1977 "; and
  - (d) at the end of subsection (9) (which provides that proceedings for an offence under the 1973 Act shall not be begun without the consent of the Attorney General) there shall be inserted the words " ; and in any such proceedings it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence. "
- 5 The following provisions of the 1973 Act (which also relate to offences) shall cease to have effect, namely—
- (a) subsections (7) and (10) of section 17 and in subsection (8) of that section the words from " ; and nothing which " onwards;
  - (b) subsections (1) to (3) and (6) of section 18 (which relates to offences by unincorporated bodies) and in subsection (4) of that section the words " within subsection (1) above ".
- 6 (1) In subsection (1) of section 21 of the 1973 Act (which relates to interpretation) for the definition of "the Minister" there shall be substituted the following—
- “" the Minister " means the Secretary of State or the Treasury ; and at the end of the definition of " charge " there shall be inserted the words " and also includes a charge for a holiday caravan licence”.
- (2) After subsection (1) of the said section 21 there shall be inserted the following subsection—

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- “(1A) In the definition of " charge " in subsection (1) above " holiday caravan licence" means a licence to put on any land a caravan (within the meaning of Part I of the Caravan Sites and Control of Development Act 1960 as amended by the Caravan Sites Act 1968) for use for the purpose of holidays in a case where washing facilities or lavatories are provided or a supply of water, electricity or gas is provided, otherwise than by the licensee, for use in connection with the caravan ; and any reference in section 6 of this Act to performing services shall be construed as including a reference to giving such a licence.”
- (3) In subsection (5) of the said section 21 (which provides for the application of the 1973 Act to conditional sale and hire-purchase agreements) after the words " This Act" there shall be inserted the words " and the Price Commission Act 1977 ".
- 7 (1) In sub-paragraph (2) of paragraph 2 of Schedule 1 to the 1973 Act (which provides for a Minister to instruct the Commission to keep under continuous review any question concerning all or any of the matters mentioned in sub-paragraph (1) of that paragraph) for the words "concerning all or any of the matters mentioned in sub-paragraph (1) above " there shall be substituted the words " relating to prices or charges " ; and accordingly—
- (a) in paragraph (a) of that sub-paragraph for the word " matters " there shall be substituted the word " question " ; and
- (b) in paragraph (b) of that sub-paragraph for the words from "those matters" onwards there shall be substituted the words " the question " .
- (2) For sub-paragraph (4) of paragraph 3 of that Schedule (which relates to reports in consequence of such reviews) there shall be substituted the following sub-paragraph—
- “(4) Subsections (8) and (9) of section 6 of the Price Commission Act 1977 shall apply to a report in pursuance of paragraph 2(2)(b) of this Schedule as they apply to a report in pursuance of subsection (1) of that section but as if the provisions relating to the deletion of findings of fact were omitted.”
- 8 Regulations may provide that any of the provisions of paragraphs 2, 3, 5 and 7 of Schedule 3 and paragraphs 1 to 3 and 5(1) of Schedule 4 to the 1973 Act (which contain supplemental provisions and provisions relating to enforcement) shall have effect with such additions, omissions and amendments as the Secretary of State considers appropriate for the purpose of applying those provisions for the purposes of or in relation to any provision of this Act or any instrument made under this Act.
- 9 In sub-paragraph (2) of paragraph 4 of Schedule 4 to the 1973 Act (which prohibits the disclosure of certain information obtained in pursuance of that Act except in the cases mentioned in paragraphs (a) to (e) of that sub-paragraph)—
- (a) at the end of paragraph (e) (which among other things relates to disclosure in connection with criminal proceedings under the 1973 Act) there shall be inserted the words " or the Price Commission Act 1977 " ;
- (b) after paragraph (e) there shall be inserted the words “ , or
- (f) for the purpose of facilitating the performance of any functions of the Price Commission " .”
- 10 The following provisions of the 1973 Act (which are spent) namely—
- (a) sections 3, 4, 11 to 13 and 16 ;

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- (b) in paragraph 8 of Schedule 1 the words " or the Pay Board " in the second place where they occur ; and
- (c) in paragraph 4(2)(e) of Schedule 4 the words "or the Counter-Inflation (Temporary Provisions) Act 1972",

shall be omitted from that Act; but nothing in this Act affects provisions of any order made under section 11 of the 1973 Act which are in force by virtue of paragraph 1(5) of Schedule 3 to that Act immediately before the passing of this Act.