

## SCHEDULES

### SCHEDULE 1

Section 1.

#### DIRECTOR GENERAL OF FAIR TRADING

- 1 There shall be paid to the Director such remuneration, and such travelling and other allowances, as the Secretary of State with the approval of the Minister for the Civil Service may determine.
- 2 In the case of any such holder of the office of the Director as may be determined by the Secretary of State with the approval of the Minister for the Civil Service, there shall be paid such pension, allowance or gratuity to or in respect of him on his retirement or death, or such contributions or payments towards provision for such a pension, allowance or gratuity, as may be so determined.
- 3 If, when any person ceases to hold office as the Director, it appears to the Secretary of State with the approval of the Minister for the Civil Service that there are special circumstances which make it right that he should receive compensation, there may be paid to him a sum by way of compensation of such amount as may be so determined.
- 4 In the House of Commons Disqualification Act 1957, in Part III of Schedule 1 (other disqualifying offices) there shall (at the appropriate place in alphabetical order) be inserted the following entry:—

“Director General of Fair Trading”;

and the like amendment shall be made in the Part substituted for the said Part III by Schedule 3 to that Act in its application to the Senate and House of Commons of Northern Ireland.
- 5 The Director shall have an official seal for the authentication of documents required for the purposes of his functions.
- 6 The Documentary Evidence Act 1868 shall have effect as if the Director were included in the first column of the Schedule to that Act, as if the Director and any person authorised to act on behalf of the Director were mentioned in the second column of that Schedule, and as if the regulations referred to in that Act included any document issued by the Director or by any such person.
- 7 Anything authorised or required by or under this Act or any other enactment to be done by the Director, other than the making of a statutory instrument, may be done by any member of the staff of the Director who is authorised generally or specially in that behalf in writing by the Director.

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## SCHEDULE 2

Section 3.

### CONSUMER PROTECTION ADVISORY COMMITTEE

#### *Status of Committee*

- 1       Members of the Advisory Committee in their capacity as such shall not be regarded as servants or agents of the Crown or as enjoying any status, immunity or privilege of the Crown.

#### *Tenure of office of members*

- 2       (1) Subject to the following provisions of this paragraph, a member of the Advisory Committee shall hold and vacate office as such in accordance with the terms of his appointment.
- (2) A person shall not be appointed to the Advisory Committee for a term exceeding three years; but previous membership shall not affect eligibility for re-appointment.
- (3) A member of the Advisory Committee may at any time resign his membership by notice in writing addressed to the Secretary of State.
- (4) The Secretary of State may remove a member of the Advisory Committee on the ground of incapacity or misbehaviour.

#### *Tenure of office of chairman and deputy chairman*

- 3       (1) The chairman or deputy chairman of the Advisory Committee may at any time resign his office as such by notice in writing addressed to the Secretary of State.
- (2) The Secretary of State may remove a chairman or deputy chairman of the Advisory Committee on the ground of incapacity or misbehaviour.

#### *Remuneration and allowances*

- 4       There shall be paid to the members of the Advisory Committee such remuneration, and such travelling and other allowances, as in the case of any of those members the Secretary of State may determine with the approval of the Minister for the Civil Service.

#### *General provisions as to sums payable on retirement or death of members*

- 5       As regards any member of the Advisory Committee in whose case the Secretary of State may so determine with the approval of the Minister for the Civil Service, the Secretary of State shall pay such pension, allowance or gratuity to or in respect of him, or make such payments towards the provision of such a pension, allowance or gratuity, as may be so determined.
- 6       If, when any person ceases to be a member of the Advisory Committee, it appears to the Secretary of State that there are special circumstances which make it right that he should receive compensation, the Secretary of State may pay him a sum by way of compensation of such amount as he may determine with the approval of the Minister for the Civil Service.

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### *Procedure of Committee*

- 7 In the case of an equality of votes on any question at a meeting of the Advisory Committee the chairman shall have a second or casting vote.
- 8 At any time when the chairman is absent or otherwise incapable of acting, or there is a vacancy in the office of chairman, the deputy chairman may perform any of the functions of the chairman.
- 9 At any time when the chairman and deputy chairman of the Advisory Committee are absent or otherwise incapable of acting or there is a vacancy in the office of chairman and of deputy chairman, such member of the Advisory Committee as the Secretary of State may direct, or in default of any such direction such member of the Advisory Committee as the Advisory Committee may agree, may perform any of the functions of the chairman.

## SCHEDULE 3

Section 4.

### THE MONOPOLIES AND MERGERS COMMISSION

#### **PART I**

##### STATUS, TERMS OF OFFICE, AND STAFF

#### *Status of Commission*

- 1 Members of the Commission in their capacity as such shall not be regarded as servants or agents of the Crown or as enjoying any status, immunity or privilege of the Crown.

#### *Tenure of office of regular members*

- 2 (1) Subject to the following provisions of this paragraph, a regular member of the Commission shall hold and vacate office as such in accordance with the terms of his appointment.
- (2) A person shall not be appointed to be a regular member of the Commission for a term exceeding five years ; but previous membership shall not affect eligibility for re-appointment.
- (3) A regular member of the Commission may at any time resign his membership by notice in writing addressed to the Secretary of State.
- (4) The Secretary of State may remove a regular member of the Commission on the ground of incapacity or misbehaviour.

#### *Appointment and tenure of office of chairman and deputy chairmen*

- 3 (1) There shall be a chairman of the Commission appointed from among the regular members by the Secretary of State; and the Secretary of State may appoint not more than three other regular members to be deputy chairmen.

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- (2) The chairman or a deputy chairman may at any time resign his office as such by notice in writing addressed to the Secretary of State.
- (3) The Secretary of State may remove a chairman or deputy chairman of the Commission on the ground of incapacity or misbehaviour.
- (4) If the chairman or a deputy chairman of the Commission ceases to be a regular member of the Commission, he shall also cease to be chairman or, as the case may be, a deputy chairman.

#### *Staff*

- 4 The Commission shall have a secretary, who shall be a person appointed by the Commission with the approval of the Secretary of State.
- 5 The Commission may appoint such other staff as the Commission think fit, subject to the approval of the Secretary of State and of the Minister for the Civil Service as to numbers and as to terms and conditions of service.

#### *Remuneration and allowances*

- 6 There shall be paid to the members of the Commission such remuneration, and such travelling and other allowances, as in the case of any of those members the Secretary of State may determine with the approval of the Minister for the Civil Service.
- 7 There shall be paid to the staff of the Commission such remuneration, and such travelling and other allowances, as the Commission may determine with the approval of the Secretary of State and of the Minister for the Civil Service.

#### *General provisions as to sums payable on retirement or death of members*

- 8 As regards any member of the Commission in whose case the Secretary of State may so determine with the approval of the Minister for the Civil Service, the Secretary of State shall pay such pension, allowance or gratuity to or in respect of him, or make such payments towards the provision of such a pension, allowance or gratuity, as may be so determined.
- 9 If, when any person ceases to be a member of the Commission, it appears to the Secretary of State that there are special circumstances which make it right that he should receive compensation, the Secretary of State may pay him a sum by way of compensation of such amount as he may determine with the approval of the Minister for the Civil Service.

## **PART II**

### PERFORMANCE OF FUNCTIONS OF COMMISSION

- 10 (1) If the chairman of the Commission so directs—
  - (a) the functions of the Commission in relation to any investigation under this Act, in so far as those functions have not been performed before the direction is given, or
  - (b) the functions of the Commission in relation to the making of a report required of them under Part VI of this Act,

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shall be performed through a group of not less than five regular members of the Commission selected by the chairman of the Commission.

- (2) In the following provisions of this Part of this Schedule " group " means a group of members of the Commission selected under this paragraph, and " the chairman " (except where the reference is expressly to the chairman of a group) means the chairman of the Commission.
- 11 Where, after a direction under paragraph 10 of this Schedule has been given with respect to the investigations on a monopoly reference or on a merger reference, the reference is varied under section 52 of this Act or, in the case of a merger reference, under section 71 of this Act, the functions of the Commission in relation to those investigations shall be performed either through the group specified in that direction, or through another group, or by the Commission as a whole, as the chairman may direct.
- 12 The chairman may appoint one of the members of a group to act as chairman of the group.
- 13 (1) Where during the proceedings of a group—  
(a) a member of the group ceases to be a member of the Commission, or  
(b) the chairman is satisfied that a member of the group will be unable for a substantial period to perform his duties as a member of the group,  
the chairman may appoint any member of the Commission to be a member of the group in his place.
- (2) The chairman may also at any time appoint any member of the Commission to be an additional member of a group, whether the person so appointed was or was not a member of the Commission at the time when the group was originally selected.
- 14 (1) At the invitation of the chairman of a group, any member of the Commission who is not a member of the group may attend meetings or otherwise take part in the proceedings of the group, except that such a member shall not be entitled—  
(a) to vote at any such meeting or in any such proceedings, or  
(b) to have a statement of his dissent from a conclusion of the group included in a report made by them,
- (2) Nothing in the receding sub-paragraph shall be taken to prevent a group or a member of a group from consulting any member of the Commission with respect to any matter or question with which the group is concerned.
- 15 In determining their procedure, and in exercising any powers conferred on the Commission by this Act, a group shall comply with any special or general directions which may be given to them by the Commission, as well as with any directions given to the Commission by the Secretary of State.
- 16 (1) Subject to the next following sub-paragraph, anything done by or in relation to a group in, or in connection with, the performance of functions required by a direction under paragraph 10 or paragraph 11 of this Schedule to be performed by the group shall have the same effect as if it had been done by or in relation to the Commission,
- (2) For the purposes of sections 56 and 75 of this Act, of section 40 of the Patents Act 1949 (which confers on the comptroller certain powers which are exercisable with reference to a report of the Commission) and of section 19A of the Agricultural Marketing Act 1958, a conclusion contained in a report of the Commission shall be

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disregarded if the report is made through a group and the conclusion is not that of at least two-thirds of the members of the group.

- 17      The quorum necessary—
- (a)   for any meeting of the Commission held for the final settling of a report of the Commission shall be not less than two-thirds of the regular members of the Commission, and
- (b)   for any other meeting of the Commission shall be such as the Commission may from time to time determine.
- 18      The quorum necessary for a meeting of a group shall be such as the group may from time to time determine.
- 19      In the case of an equality of votes on any question at a meeting of the Commission or of a group the chairman, or the chairman of the group, as the case may be, shall have a second or casting vote.
- 20      At any time when the chairman is absent or otherwise incapable of acting, or there is a vacancy in the office of chairman,—
- (a)   such one of the deputy chairmen of the Commission as the Secretary of State may direct, or in default of any such direction such one of them as they may agree, or
- (b)   if there is only one deputy chairman of the Commission the deputy chairman,
- may perform any of the functions of the chairman.
- 21      At any time when every person who is chairman or deputy chairman of the Commission is absent or otherwise incapable of acting, or there is no such person, such member of the Commission as the Secretary of State may direct, or in default of any such direction such member of the Commission as the Commission may agree, may perform any of the functions of the chairman.
- 22      For the purposes of a newspaper merger reference the Secretary of State may appoint three, four, or five additional members of the Commission, from a panel maintained by the Secretary of State for the purpose of making such appointments ; and if any functions of the Commission in relation to that reference are performed through a group, any additional members appointed under this paragraph for the purposes of the reference shall be members of the group in addition to the members selected by the chairman.

#### SCHEDULE 4

Sections 14 and 109.

##### SERVICES EXCLUDED FROM SECTIONS 14 AND 109

- 1      Legal services (that is to say, the services of barristers, advocates or solicitors in their capacity as such).
- 2      Medical services (that is to say, the provision of medical or surgical advice or attendance and the performance of surgical operations).
- 3      Dental services (that is to say, any services falling within the practice of dentistry within the meaning of the Dentists Act 1957).
- 4      Ophthalmic services (that is to say, the testing of sight).

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- 5 Veterinary services (that is to say, any services which constitute veterinary surgery within the meaning of the Veterinary Surgeons Act 1966).
- 6 Nursing services (that is to say, any services which constitute nursing within the meaning of the Nurses Act 1957, the Nurses (Scotland) Act 1951 or the Nurses and Midwives Act (Northern Ireland) 1970).
- 7 The services of midwives, physiotherapists or chiropodists in their capacity as such.
- 8 The services of architects in their rapacity as such.
- 9 Accounting and auditing services (that is to say, the making or preparation of accounts or accounting records and the examination, verification and auditing of financial statements).
- 10 The services of patent agents (within the meaning of the Patents Act 1949), in their capacity as such.
- 11 The services of parliamentary agents entered in the register in either House of Parliament as agents entitled to practise both in promoting and in opposing Bills, in their capacity as such parliamentary agents.
- 12 The services of surveyors (that is to say, of surveyors of land, of quantity surveyors, of surveyors of buildings or other structures and of surveyors of ships) in their capacity as such surveyors.
- 13 The services of professional engineers or technologists (that is to say, of persons practising or employed as consultants in the field of—
  - (a) civil engineering ;
  - (b) mechanical, aeronautical, marine, electrical or electronic engineering ;
  - (c) mining, quarrying, soil analysis or other forms of minerology or geology ;
  - (d) agronomy, forestry, livestock rearing or ecology ;
  - (e) metallurgy, chemistry, biochemistry or physics ; or
  - (f) any other form of engineering or technology analogous to those mentioned in the preceding sub-paragraphs),in their capacity as such engineers or technologists.
- 14 Services consisting of the provision—
  - (a) of primary, secondary or further education within the meaning of the Education Act 1944, the Education (Scotland) Acts 1939 to 1971 or the Education and Libraries (Northern Ireland) Order 1972, or
  - (b) of university or other higher education not falling within the preceding sub-paragraph.
- 15 The services of ministers of religion in their capacity as such ministers.

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## SCHEDULE 5

Sections 16, 50 and 51.

### GOODS AND SERVICES REFERRED TO IN SECTION 16

#### PART I

##### GENERAL RESTRICTION

- 1 Gas supplied through pipes, otherwise than for industrial purposes as mentioned in section 9(4) of the Continental Shelf Act 1964.
- 2 Natural gas (that is to say, gas derived from natural strata) in so far as it does not fall within the preceding paragraph.
- 3 Electricity.
- 4 The carriage of passengers by road or rail.
- 5 The carriage of goods by rail.
- 6 The services of conveying, receiving, collecting, despatching and delivering letters.
- 7 The running of any system for the conveyance, through the agency of electric, magnetic, electro-magnetic, electro-chemical or electro-mechanical energy, of any of the matters specified in paragraphs (a) to (d) of section 24(1) of the Post Office Act 1969.

#### PART II

##### LIMITED RESTRICTION

<i>Description of goods or services</i>	<i>Form of supply</i>
8.—(1) Apparatus or equipment used, or constructed or adapted for use, for the purposes of or in association with any such system as is mentioned in paragraph 7 of this Schedule. (2) The installation or maintenance of any such apparatus or equipment.	Supply to persons who are subscribers to a service provided by the Post Office which constitutes or forms part of any such system, in their capacity as subscribers to such a service.

## SCHEDULE 6

Section 19.

### MATTERS FALLING WITHIN SCOPE OF PROPOSALS UNDER SECTION 17

- 1 Prohibition of the specified consumer trade practice either generally or in relation to specified consumer transactions.
- 2 Prohibition of specified consumer transactions unless carried out at specified times or at a place of a specified description.
- 3 Prohibition of the inclusion in specified consumer transactions of terms or conditions purporting to exclude or limit the liability of a party to such a transaction in respect of specified matters.



- 4 A requirement that contracts relating to specified consumer transactions shall include specified terms or conditions.
- 5 A requirement that contracts or other documents relating to specified consumer transactions shall comply with specified provisions as to lettering (whether as to size, type, colouring or otherwise).
- 6 A requirement that specified information shall be given to parties to specified consumer transactions.

## SCHEDULE 7

Sections 50, and 51.

GOODS AND SERVICES (IN ADDITION TO THOSE IN SCHEDULE 5)  
WHOLLY OR PARTLY EXCLUDED FROM SECTION 50

## PART I

## GOODS AND SERVICES WHOLLY EXCLUDED

- 1 Raw cane or beet sugar.
- 2 Sugar beet.
- 3 Hops.
- 4 Water.
- 5 Port facilities (as defined by- section 92(1) of the Transport Act 1962).
- 6 Air navigation services (as defined by section 64(1) of the Civil Aviation Act 1971).
- 7 The carriage of passengers or goods by air.
- 8 The provision by programme contractors of programmes for transmission (whether by way of television or of sound broadcasting) by the Independent Broadcasting Authority.

## PART II

## GOODS AND SERVICES PARTLY EXCLUDED

<i>Description of goods or services</i>	<i>Form of supply excluded</i>
9. Liquid cows' milk.	Supply otherwise than in containers in which milk is put up for purposes of retail sale.
10. Refined sugar.	Supply otherwise than by way of retail sale.
11. Fleece wool.	Supply under a scheme for the time being in force under the Agricultural Marketing Act 1958.
12. Potatoes to which no process of manufacture (other than dressing or dyeing) has been applied.	Supply which is neither— (a) supply by way of retail sale, other than any such supply by the producer of the goods, nor

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<i>Description of goods or services</i>	<i>Form of supply excluded</i>
13. Services supplied at aerodromes (as defined by section 64(1) of the Civil Aviation Act 1971) in connection with the landing, housing, parking or taking off of aircraft or the accommodation of passengers or cargo and their transfer to and from aircraft.	<p>(b) supply to a person purchasing the goods for the purpose of selling them by retail.</p> <p>Supply at aerodromes which are either—</p> <p>(a) aerodromes owned or managed by the Civil Aviation Authority, or</p> <p>(b) aerodromes in respect of which a licence for public use (as defined by any Order in Council for the time being in force under section 8 of the Civil Aviation Act 1949) 'is for the time being in force.</p>

### PART III

#### GOODS PARTLY EXCLUDED IN RELATION TO NORTHERN IRELAND ONLY

<i>Description of goods</i>	<i>Form of supply excluded</i>
14. Live pigs.	Supply for slaughter.
15. Fresh uncured carcasses or parts of carcasses of pigs.	Supply otherwise than by way of retail sale.

### SCHEDULE 8

Section 56, 73, 74, 77, 89 and 91.

#### POWERS EXERCISABLE BY ORDERS UNDER SECTIONS 56 AND 73

### PART I

#### POWERS EXERCISABLE IN ALL CASES

- 1 Subject to paragraph 3 of this Schedule, an order under section 56 or section 73 of this Act (in this Schedule referred to as an " order ") may declare it to be unlawful, except to such extent and in such circumstances as may be provided by or under the order, to make or to carry out any such agreement as may be specified or described in the order.
- 2 Subject to the next following paragraph, an order may require any party to any such agreement as may be specified or described in the order to terminate the agreement within such time as may be so specified, either wholly or to such extent as may be so specified.
- 3
  - (1) An order shall not by virtue of paragraph 1 of this Schedule declare it to be unlawful to make any agreement in so far as, if made, it would be an agreement to which Part I of the Act of 1956 would apply.
  - (2) An order shall not by virtue of paragraph 1 or paragraph 2 of this Schedule declare it to be unlawful to carry out, or require any person to terminate, an agreement in so far as it is an agreement to which Part I of the Act of 1956 applies.

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- (3) An order shall not by virtue of either of those paragraphs declare it to be unlawful to make or to carry out, or require any person to terminate, an agreement in so far as, if made, it would relate, or (as the case may be) in so far as it relates, to the terms and conditions of employment of any workers, or to the physical conditions in which any workers are required to work.
- (4) In this paragraph "terms and conditions of employment" has the meaning assigned to it by section 167(1) of the Industrial Relations Act 1971.
- 4 An order may declare it to be unlawful, except to such extent and in such circumstances as may be provided by or under the order, to withhold or to agree to withhold or to threaten to withhold, or to procure others to withhold or to agree to withhold or threaten to withhold, from any such persons as may be specified or described in the order, any supplies or services so specified or described or any orders for such supplies or services (whether the withholding is absolute or is to be effectual only in particular circumstances).
- 5 An order may declare it to be unlawful, except to such extent and in such circumstances as may be provided by or under the order, to require, as a condition of the supplying of goods or services to any person,—
- (a) the buying of any goods, or
  - (b) the making of any payment in respect of services other than the goods or services supplied, or
  - (c) the doing of any other such matter as may be specified or described in the order.
- 6 An order may declare it to be unlawful, except to such extent and in such circumstances as may be provided by or under the order,—
- (a) to discriminate in any manner specified or described in the order between any persons in the prices charged for goods or services so specified or described, or
  - (b) to do anything so specified or described which appears to the appropriate Minister to amount to such discrimination,
- or to procure others to do any of the things mentioned in sub-paragraph (a) or sub-paragraph (b) of this paragraph.
- 7 An order may declare it to be unlawful, except to such extent and in such circumstances as may be provided by or under the order,—
- (a) to give or agree to give in other ways any such preference in respect of the supply of goods or services, or the giving of orders for goods or services, as may be specified or described in the order, or
  - (b) to do anything so specified or described which appears to the appropriate Minister to amount to giving such preference,
- or to procure others to do any of the things mentioned in sub-paragraph (a) or sub-paragraph (b) of this paragraph.
- 8 An order may declare it to be unlawful, except to such extent and in such circumstances as may be provided by or under the order, to charge for goods or services supplied prices differing from those in any published list or notification, or to do anything specified or described in the order which appears to the appropriate Minister to amount to charging such prices.

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- 9           An order may require a person supplying goods or services to publish a list of or otherwise notify prices, with or without such further information as may be specified or described in the order.
- 10       (1) Subject to the following provisions of this paragraph, an order may, to such extent and in such circumstances as may be provided by or under the order, regulate the prices to be charged for any goods or services specified or described in the order.
- (2) An order shall not exercise the power conferred by the preceding sub-paragraph in respect of goods or services of any description unless the matters specified in the relevant report as being those which in the opinion of the Commission operate, or may be expected to operate, against the public interest relate, or include matters relating, to the prices charged for goods or services of that description.
- (3) In this paragraph " the relevant report " in relation to an order, means the report of the Commission in consequence of which the order is made, in the form in which that report is laid before Parliament.
- 11           An order may declare it to be unlawful, except to such extent and in such circumstances as may be provided by or under the order, for any person, by publication or otherwise, to notify, to persons supplying goods or services, prices recommended or suggested as appropriate to be charged by those persons for those goods or services.
- 12       (1) An order may prohibit or restrict the acquisition by any person of the whole or part of the undertaking or assets of another person's business, or the doing of anything which will or may have a result to which this paragraph applies, or may require that, if such an acquisition is made or anything is done which has such a result, the persons concerned or any of them shall thereafter observe any prohibitions or restrictions imposed by or under the order.
- (2) This paragraph applies to any result which consists in two or more bodies corporate becoming interconnected bodies corporate.
- (3) Where an order is made in consequence of a report of the Commission under section 72 of this Act, or is made under section 74 of this Act, this paragraph also applies to any result (other than that specified in sub-paragraph (2) of this paragraph) which, in accordance with section 65 of this Act, consists in two or more enterprises ceasing to be distinct enterprises.
- 13           In this Part of this Schedule "the appropriate Minister", in relation to an order, means the Minister by whom the order is made.

## PART II

### POWERS EXERCISABLE EXCEPT IN CASES FALLING WITHIN SECTION 56(6)

- 14           An order may provide for the division of any business by the sale of any part of the undertaking or assets or otherwise (for which purpose all the activities carried on by way of business by any one person or by any two or more interconnected bodies corporate may be treated as a single business), or for the division of any group of interconnected bodies corporate, and for all such matters as may be necessary to effect or take account of the division, including—
- (a) the transfer or vesting of property, rights, liabilities or obligations;

- (b) the adjustment of contracts, whether by discharge or reduction of any liability or obligation or otherwise ;
  - (c) the creation, allotment, surrender or cancellation of any shares, stock or securities ;
  - (d) the formation or winding up of a company or other association, corporate or unincorporate, or the amendment of the memorandum and articles or other instruments regulating any company or association ;
  - (e) the extent to which, and the circumstances in which, provisions of the order affecting a company or association in its share capital, constitution or other matters may be altered by the company or association, and the registration under any enactment of the order by companies or associations so affected;
  - (f) the continuation, with any necessary change of parties, of any legal proceedings.
- 15 In relation to an order under section 73 of this Act, the reference in paragraph 14 of this Schedule to the division of a business as mentioned in that paragraph shall be construed as including a reference to the separation, by the sale of any part of any undertaking or assets concerned or other means, of enterprises which are under common control otherwise than by reason of their being enterprises of interconnected bodies corporate.

## SCHEDULE 9

Section 91.

## PROCEDURE PRELIMINARY TO LAYING DRAFT OF ORDER TO WHICH SECTION 91(1) APPLIES

- 1 The provisions of this Schedule shall have effect where the Secretary of State proposes to lay before Parliament a draft of any such order as is mentioned in section 91(1) of this Act.
- 2 The Secretary of State shall cause notice of his intention to lay a draft of the order before Parliament to be published in the London Gazette, the Edinburgh Gazette and the Belfast Gazette and in two or more daily newspapers (other than local newspapers), and shall not lay a draft of the order until the end of the period of forty-two days beginning with the day on which the publication of the notice in accordance with this paragraph is completed.
- 3 A notice under this Schedule shall—
- (a) state that it is proposed to lay a draft of the order before Parliament;
  - (b) indicate the nature of the provisions to be embodied in the order;
  - (c) name a place where a copy of the draft will be available to be seen at all reasonable times ; and
  - (d) state that any person whose interests are likely to be affected by the order, and who is desirous of making representations in respect of it, should do so in writing (stating his interest and the grounds on which he wishes to make the representations) before the date on which the period mentioned in paragraph 2 of this Schedule is due to expire (specifying that date).
- 4 The Secretary of State shall consider any representation that is duly made with respect to the draft order and is not withdrawn, and, at any time after the date specified in the notice in accordance with sub-paragraph (d) of paragraph 3 of this Schedule, may lay the draft order either—

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- (a) in the form in which it was made available as stated in the notice in compliance with sub-paragraph (c) of that paragraph, or
- (b) in that form subject to such modifications as appear to the Secretary of State to be necessary to ensure that the rights and interests of persons likely to be affected by the provisions of the order are so adjusted as to secure an equitable distribution of any burden imposed by, or any benefit accruing from, any provisions of the order.

## SCHEDULE 10

Section 116, 117.

### MODIFICATIONS OF ACTS OF 1956 AND 1968 IN RELATION TO SERVICES

#### PART I

##### MODIFICATIONS OF ACT OF 1956

<i>Section of Act</i>	<i>Modification</i>
Section 10	<p>In subsection (1)(b), for the words " any such restrictions as are described in subsection (1) of section six of this Act " there shall be substituted the words " restrictions, or provision for or in relation to the furnishing of information, in respect of matters specified in the relevant order for the purposes of section 107(1)(b) or section 108(1)(b) of the Act of 1973</p> <p>In subsection (7), for the words " this Part of this Act applies by virtue of subsection (6) of section six of this Act as if it were an agreement made between members of a trade association " there shall be substituted the words " subsection (1) of this section applies by virtue of section 112 of the Act of 1973 as if it were an agreement made between members of an association and for the words " subsection (7) of the said section six" there shall be substituted the words " subsection (3) or subsection (4) of that section "</p> <p>In subsection (8), paragraph (a) shall be omitted, and for the words " section 8(8) of this Act ", in each place where they occur, there shall be substituted the words " section 115(6) of the Act of 1973 ".</p>
Section 11	<p>In subsection (3)(b), the words " of manufacture " shall be omitted.</p>

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<i>Section of Act</i>	<i>Modification</i>
Section 14	<p>In subsection (1), for paragraphs (a) and (b) there shall be substituted the following:</p> <ul style="list-style-type: none"><li>“(a) a person carrying on within the United Kingdom any business of supplying services brought under control by the relevant order, or</li><li>(b) an association which, in relation to the relevant order, is such an association as is mentioned in section 112(1) of the Act of 1973”,</li></ul> <p>and for the words " any such matters as are described in paragraphs (a) to (e) of the said subsection (1) " there shall be substituted the words " matters specified in the relevant order for the purposes of section 107(1)(b) or section 108(1)(b) of the Act of 1973 "</p> <p>In subsection (3), the word " trade " shall be omitted.</p> <p>In subsection (4), paragraph (a) shall be omitted, and for the words " section 8(8) of this Act " there shall be substituted the words " section 115(6) of the Act of 1973 " .</p>
Section 15	<p>In subsection (3A), for the words " a trade association which is not incorporated" there shall be substituted the words " an unincorporated association falling within section 112(1) of the Act of 1973 " .</p>
Section 19	<p>In subsection (1)(b), for the word " prices " there shall be substituted the word " charges " .</p>
Section 20	<p>In subsection (1), for the words " matters described in paragraphs (b) to (d) of subsection (8) of section eight of this Act" there shall be substituted the words " the supply of services outside the United Kingdom or the supply of services to persons or in relation to property (as denned by section 115(9) of the Act of 1973) outside the United Kingdom " .</p> <p>In subsection (3), for the words " any trade association " there shall be substituted the words " any such association as is mentioned in section 112(1) of the Act of 1973 " , for the Words " such a trade association " and for the words " a trade association " there shall be</p>

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<i>Section of Act</i>	<i>Modification</i>
	<p>substituted the words " such an association ", and for the words "the trade association " there shall be substituted the words " the association ".</p> <p>In subsection (4), for the words " subsection (7) of section six of this Act in an agreement for the constitution of a trade association " there shall be substituted the words " subsection (3) or subsection (4) of section 112 of the Act of 1973 in an agreement for the constitution of an association ".</p>

## PART II

### MODIFICATIONS OF ACT OF 1968

Section 1	In subsection (2), for the words " purchasers, consumers or users of any relevant goods " there shall be substituted the words " users of any relevant services
Section 2	In subsection (1), for the words " prices to be charged" there shall be substituted the words " charges to be made " and for the word " prices ", in the second place where it occurs, there shall be substituted the word " charges ".
Section 3	<p>In subsection (1), for the words " a trade association " there shall be substituted the words " an association ", and for the words " subsection (7) of section 6 of the Act of 1956 " and the words in parenthesis immediately after those words there shall be substituted the words " subsection (3) or subsection (4) (as the case may be) of section 112 of the Act of 1973 ".</p> <p>In subsections (2) and (6), for the words " a trade association ", in each place where they occur, there shall be substituted the words " an association ".</p>
Section 6	<p>In subsection (1), after paragraph (f) there shall be inserted the following paragraph:—</p> <p style="padding-left: 40px;">“(j) in the case of an agreement which becomes subject to registration by virtue of an order under section 107 or section 108 of the Act of</p>



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Section 7.

1973 coming into force after the making of the agreement, within three months from the day on which the agreement becomes so subject.”

In subsection (3), for the words " any trade association " there shall be substituted the words " any such association as is mentioned in section 112(1) of the Act of 1973 ", and for the words " a trade association " there shall be substituted the words " an association ".

In subsection (3A), for the words " a trade association " there shall be substituted the words " such an association as is mentioned in section 112(1) of the Act of 1973 ", and for the words " the trade association " there shall be substituted the words " the association ".

In subsection (4), for the words " a trade association " there shall be substituted the words " an association " and for the words " subsection (7) of section 6 of the Act of 1956 " there shall be substituted the words " subsection (3) or subsection (4) of section 112 of the Act of 1973 ".

SCHEDULE 11

Sections 139, 140.

TRANSITIONAL PROVISIONS AND SAVINGS

*General provisions*

- 1 (1) Subject to the following provisions of this Schedule, in so far as anything done under an enactment repealed by this Act could have been done under a corresponding provision of this Act, it shall not be invalidated by the repeal but shall have effect as if done under that provision.
- (2) In relation to the Commission (by whichever of the names mentioned in section 4(1) of this Act it was for the time being called) sub-paragraph (1) of this paragraph applies, in particular, to any appointment of a member of the Commission (including any appointment, or extension of the term of service, of a chairman or deputy chairman of the Commission) or of any of the staff of the Commission, any reference made to the Commission, any proceedings or report of the Commission on such a reference, and any order made in consequence of any such report.
- (3) A provision of this Act shall, for the purposes of this Schedule, be regarded as corresponding to an enactment repealed by this Act if (notwithstanding that it differs, whether to a small extent or substantially, from that enactment) it fulfils in this Act a purpose similar to that which that enactment fulfilled in the repealed enactments ;

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and any reference in this Schedule to provisions of the repealed enactments corresponding to any provisions of this Act shall be construed accordingly.

- (4) In this Schedule " the repealed enactments " means the enactments repealed by this Act, and " the commencement of this Act", where that expression occurs in any provision of this Schedule,—
- (a) if the same day is appointed under section 140 of this Act for the repeal of all those enactments, means the day so appointed, or
  - (b) if different days are appointed under that section for the repeal of different enactments, means such day as may be specified for the purposes of this subparagraph in an order made by the Secretary of State by statutory instrument; and different days may be so specified in relation to different provisions of this Schedule.
- 2 For the purposes of the operation of paragraph 1 of this Schedule, anything done by or in relation to the Board of Trade shall be treated as having been done by or in relation to the Secretary of State, whether apart from this paragraph it would fall to be so treated or not
- 3 Without prejudice to any express amendment made by this Act, where an Act (whether passed before, or in the same Session as, this Act) or any document refers, either expressly or by implication, to an enactment repealed by this Act, the reference shall, except where the context otherwise requires, be construed as, or as including, a reference to any corresponding provision of this Act.
- 4 Where any period of time specified in an enactment repealed by this Act is current at the commencement of this Act, and there is a corresponding provision in this Act, this Act shall have effect as if that corresponding provision had been in force when that period began to run.
- 5 Without prejudice to paragraph 1 of this Schedule, any reference in this Act (whether express or implied) to a thing done or required or authorised to be done, or omitted to be done, or to an event which has occurred, under or for the purposes of or by reference to or in contravention of any provisions of this Act shall, except where the context otherwise requires, be construed as including a reference to the corresponding thing done or required or authorised to be done, or omitted, or to the corresponding event which occurred, as the case may be, under or for the purposes of or by reference to or in contravention of any corresponding provisions of the repealed enactments.
- 6 Nothing in this Act shall affect the repealed enactments in their operation in relation to offences committed before the commencement of this Act.

*Reference made to Commission before commencement of Act*

- 7 (1) Any reference made to the Commission under the repealed enactments, and any report of the Commission made before the commencement of this Act on any such reference, shall have effect in accordance with paragraph 1 of this Schedule if made in accordance with such of the repealed enactments as Were applicable to it, and shall so have effect notwithstanding that the reference or report was not made in accordance with the corresponding provisions of this Act.
- (2) In the case of any such reference on which the Commission have not made their report before the commencement of this Act—

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- (a) any proceedings of the Commission on that reference after the commencement of this Act shall be conducted in accordance with the repealed enactments as if they had not been repealed, and
- (b) any report of the Commission on that reference shall be made in accordance with those enactment and not in accordance with any corresponding provisions of this Act;

but nothing in this sub-paragraph shall be construed as excluding the operation of any provisions of this Act relating to any functions of the Director in relation to the Commission, to the transmission to the Director of copies of reports of the Commission, or to any other action authorised or required to be taken in relation to or in consequence of a report made by the Commission.

- (3) In particular, but without prejudice to the generality of the preceding sub-paragraphs, any reference, proceedings or report to which either of those sub-paragraphs applies shall have effect, or shall be conducted or made, as mentioned in that sub-paragraph notwithstanding that the reference or report related or relates to the question whether conditions to which the Act of 1948 applied prevailed or prevail, and not to the existence or possible existence of a monopoly situation within the meaning of this Act.
- (4) For the purposes of the operation of sub-paragraph (2) of this paragraph in relation to a report made by the Commission after the commencement of this Act, section 29(1) of the Act of 1956 (whereby conditions to which the Act of 1948 applied were not to be considered to prevail by reason of any agreement to which Part I of the Act of 1956 applied) shall be construed as if section 6(1) of the Act of 1956 had been originally enacted as amended by section 95 of this Act.

*Report of Commission made before 5th August 1965*

- 8 An order made under section 56 of this Act in consequence of a report made by the Commission before the commencement of the Act of 1965 shall not exercise any of the powers specified in Part II of Schedule 8 to this Act; and accordingly the powers conferred by section 89 of this Act shall not be exercisable in consequence of any such report.

*Undertaking given in consequence of report on reference made under repealed enactments*

- 9 (1) This paragraph applies to any undertaking given to a Minister which is certified by the Secretary of State to have been given in relation to matters dealt with in a report made by the Commission on a reference under section 2 of the Act of 1948 or on a reference under section 6 of the Act of 1965 and which either—
- (a) was given before the commencement of this Act, or
  - (b) is given after the commencement of this Act in a case where no request under subsection (1) of section 88 of this Act has been made to the Director to carry out consultations in accordance with that subsection.
- (2) A copy of any certificate given by the Secretary of State under the preceding sub-paragraph shall be furnished to the Director; and the Minister to whom any such undertaking was or is given shall furnish particulars of it to the Director.
- (3) Subsection (4) of section 88 of this Act shall have effect in relation to any undertaking to which this paragraph applies as if—

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- (a) it were an undertaking of which particulars have been furnished to the Director under subsection (2) of that section, and
  - (b) any reference in subsection (4) of that section to the report of the Director were a reference to a report made by the Commission as mentioned in sub-paragraph (1) of this paragraph.
- (4) The preceding provisions of this paragraph shall have effect without prejudice—
- (a) to the duty of the Commission under section 86 of this Act to transmit to the Director copies of reports which were made by the Commission before the commencement of this Act and which, by virtue of paragraphs 1 and 7 of this Schedule, have effect as if made under this Act, or
  - (b) to any duty of the Director, where requested by the appropriate Minister or Ministers to do so with respect to any such report, to carry out such consultations as are mentioned in section 88(1) of this Act.

*Functions of Director in relation to orders made under Acts of 1948 and 1965*

- 10 Subsection (5) of section 88 of this Act shall have effect in relation to any order which was made under section 10 of the Act of 1948 or under section 3 or section 6 of the Act of 1965 and which, by virtue of paragraph 1 of this Schedule, has effect as if made under this Act, as that subsection has effect in relation to orders made under this Act in the circumstances specified in that subsection.

*Provisions consequential upon transfer of functions from Registrar to Director*

- 11 (1) Except as provided by paragraph 15 of this Schedule, in relation to any time after the commencement of this Act, anything which has before the commencement of this Act been done by or in relation to the Registrar shall have effect as if it had been done by or in relation to the Director.
- (2) Sub-paragraph (1) of this paragraph applies, in particular, to any regulations made by the Registrar, any register kept or document issued by the Registrar, any particulars furnished to the Registrar, and any application to or proceedings before the Restrictive Practices Court, or any other court, tribunal or authority, made or instituted by or against the Registrar or to which the Registrar was otherwise a party ; and any such proceedings, if pending at the commencement of this Act, may accordingly be continued by or against the Director, or with the Director being otherwise treated as a party to them, as the circumstances may require, and for the purpose of so continuing them anything done by or in relation to the Registrar in connection with any such proceedings shall be treated as having been done by or in relation to the Director.
- (3) In this Schedule "the Registrar" means the Registrar of Restrictive Trading Agreements.

*Particulars of export agreements*

- 12 Any particulars furnished to the Board of Trade or to the Secretary of State under section 31(1) of the Act of 1956 shall be treated as if they had been furnished to the Director under section 10 of that Act as amended by sections 94(2) and 102(1) of this Act.

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*Restrictive Trade Practices Act 1968, s. II*

- 13 An agreement which—
- (a) was made before the commencement of this Act by a society at a time when it was approved for the purposes of section 11 of the Act of 1968 (wholesale co-operative societies), and
  - (b) by virtue of that approval was not subject to registration under Part I of the Act of 1956,
- shall, notwithstanding the repeal of that section, not be subject to such registration.

*Pension benefits*

- 14 The repeal by this Act of the following enactments, that is to say, Part II of Schedule 1 to the Act of 1965 and section 3(4)(d) of the Superannuation (Miscellaneous Provisions) Act 1967, shall not affect the operation of those enactments in relation to any person who was appointed to be chairman or deputy chairman of the Commission before the commencement of this Act; and, in relation to any such person, a recommendation made under paragraph 5 of that Schedule shall have effect whether made before or after the commencement of this Act.
- 15 (1) The repeal by this Act of subsections (7) and (8) of section 1 of the Act of 1956 shall not affect the operation of those subsections in relation to any person who was appointed to be the Registrar before the commencement of this Act; and, in relation to any such person, a determination made under subsection (7) of that section shall have effect whether made before or after the commencement of this Act
- (2) Paragraph 11 of this Schedule shall not have effect for the purposes of the operation of subsection (7) or subsection (8) of section 1 of the Act of 1956 in accordance with the preceding sub-paragraph.

*Trade Descriptions Act 1968, s. 30*

- 16 The repeal by this Act of subsections (2) to (4) of section 30 of the Trade Descriptions Act 1968 shall not affect the operation of those subsections in their application to any case where a notice under subsection (2) of that section, or a certificate under subsection (4) of that section or a document purporting to be such a certificate, has been given or issued before the commencement of this Act; and the duty imposed by section 130(1) of this Act shall not apply where such a notice has been so given.

SCHEDULE 12

Section 139.

ENACTMENTS AMENDED

<i>Act</i>	<i>Amendment</i>
<a href="#">The Patents Act 1949 (12, 13 &amp; 14 Geo. 6. c. 87).</a>	In section 43, in subsection (6), for the words " Monopolies and Restrictive Practices Commission " there shall be substituted the words " Monopolies and Mergers Commission ", and for the words " section nine of the Monopolies and Restrictive

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<i>Act</i>	<i>Amendment</i>
<p>The Restrictive Trade Practices Act 1956 (4 &amp; 5 Eliz. 2. c. 68).</p>	<p>Practices (Inquiry and Control) Act 1948" there shall be substituted the words " Part VII of the Fair Trading Act 1973 ".</p> <p>In section 6, in subsection (1), for the words " the two next following sections " there shall be substituted the words " sections 7 and 8 of this Act ".</p> <p>In section 22, after subsection (4) there shall be inserted the following subsection:—</p> <p style="padding-left: 40px;">“(5) The foregoing provisions of this section shall not apply in relation to any order made under section 21A of this Act.”.</p> <p>In section 23, in subsection (2), after the words " this Part of the Act " there shall be inserted the words " or under Part III of the Fair Trading Act 1973 ".</p> <p>In section 30, in subsection (2), for the words " the said section ten" there shall be substituted the words " section 56 of the Fair Trading Act 1973, or having effect as if made under that section ".</p> <p>In section 36, in subsection (1), before the definition of " enactment" there shall be inserted the following:—</p> <p style="padding-left: 40px;">“ the Director ' means the Director General of Fair Trading appointed under the Fair Trading Act 1973.”.</p> <p>In the Schedule, at the beginning of paragraph 7 there shall be inserted the words " Except as provided by section 42 of the Fair Trading Act 1973 "; at the end of paragraph 8 there shall be inserted the words " but this paragraph shall not apply to appeals under section 42 of the Fair Trading Act 1973 "; and in paragraph 10, after the word " Act" there shall be inserted the words " or under Part III of the Fair Trading Act 1973 ".</p>
<p>The Agricultural Marketing Act 1958 (6 &amp; 7 Eliz. 2. c. 47).</p>	<p>In section 47, in the proviso to subsection (2), after paragraph (a) there shall be inserted the following paragraph:—</p> <p style="padding-left: 40px;">“(aa) made to the Monopolies and Mergers Commission, or to any member of that Commission or to any of the staff of that Commission,</p>

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<i>Act</i>	<i>Amendment</i>
	or to the Director General of Fair Trading or any of the staff appointed by that Director General, if it is made for the purpose of enabling the Commission or the Director General to perform any functions of theirs or his under the Fair Trading Act 1973.”.
<a href="#">The Public Records Act 1958 (6 &amp; 7 Eliz. 2. c. 51).</a>	In Schedule 1, in Part II of the Table set out at the end of paragraph 3, for the words "Registrar of Restrictive Trading Agreements" there shall be substituted the words "the Director General of Fair Trading".
<a href="#">The Agricultural Marketing Act (Northern Ireland) 1964 (c. 13).</a>	In section 23, in subsection (2), after paragraph (aa) there shall be inserted the following paragraph:— “(aaa) made to the Monopolies and Mergers Commission, or to any member of that Commission or to any of the staff of that Commission, or to the Director General of Fair Trading or any of the staff appointed by that Director General, if it is made for the purpose of enabling the Commission or the Director General to perform any functions of theirs or his under the Fair Trading Act 1973.”.
<a href="#">The Resale Prices Act 1964 (1964 c. 58).</a>	In section 11(1), after the definition of "dealer" there shall be inserted the following:— “the Director ' means the Director General of Fair Trading.”.
<a href="#">The Iron and Steel Act 1967 (c. 17).</a>	In section 33, in subsection (4), for the words " Registrar of Restrictive Trading Agreements " there shall be substituted the words " Director General of Fair Trading " and, in subsection (5), for the word " Registrar " there shall be substituted the word " Director ".
<a href="#">The Restrictive Trade Practices Act 1968 (1968 c. 66).</a>	In section 6, in subsection (1), after paragraph (g) there shall be inserted the following paragraphs:—

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<i>Act</i>	<i>Amendment</i>
<p>The Pensions (Increase) Act 1971 (1971 c. 56).</p> <p>The European Communities Act 1972 (1972 c. 68).</p>	<p>“(h) in the case of an agreement made before the commencement of the Fair Trading Act 1973 which becomes subject to registration in consequence of section 95 or section 101 of that Act, within three months from the coming into operation of Part IX of that Act;</p> <p>(i) in the case of an agreement which becomes subject to registration by virtue of the expiration or withdrawal of an approval given under section 6A of the Act of 1956, within three months from the day on which the agreement become so subject.”.</p> <p>In section 12, in subsection (3), for the words " Section 11 of the Monopolies and Restrictive Practices (Inquiry and Control) Act 1948 " there shall be substituted the words " Section 93 of the Fair Trading Act 1973 ", and for the words " under section 10 of that Act " there shall be substituted the words " to which section 90 of that Act applies " and, in subsection (4), for the words " Board of Trade pursuant lo section 31 " there shall be substituted the words " Director pursuant to section 10(8) ".</p> <p>In Schedule 2, in paragraph 6, for the words from " the Chairman " to the end of the paragraph there shall be substituted the words " widows and children of any chairman or deputy chairman of the Commission which, by virtue of section 4(1) of the Fair Trading Act 1973, is known as the Monopolies and Mergers Commission, or payable out of moneys provided by Parliament in accordance with any recommendation made under paragraph 5 of Schedule 1 to the Monopolies and Mergers Act 19C5 (chairman or deputy chairman of the Commission) ".</p> <p>In section 10, for the word " Registrar ", in each place where it occurs, there shall be substituted the word " Director " ; and after</p>



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<i>Act</i>	<i>Amendment</i>
<p>The Local Government Act 1972 (1972 c. 70).</p>	<p>subsection (2) there shall be inserted the following subsection:—</p> <p style="padding-left: 40px;">“(2A) In this section 'he Director' means the Director General of Fair Trading.”</p> <p>In section 201, in subsection (6)(a), after the words " Trade Descriptions Acts 1968 and 1972 " there shall be inserted the words " or the Fair Trading Act 1973 ".</p>

### SCHEDULE 13

#### ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
<p>11 &amp; 12 Geo. 6. c. 66.</p>	<p>The Monopolies and Restrictive Practices (Inquiry and Control) Act 1948.</p>	<p>The whole Act.</p>
<p>4 &amp; 5 Eliz. 2. c. 68.</p>	<p>The Restrictive Trade Practices Act 1956.</p>	<p>In section 1, subsection (1), and subsections (3) to (8).</p> <p>In section 11(7), the words " assistant registrar or other ".</p> <p>In section 23, subsection (4).</p> <p>In section 24, subsection (8).</p> <p>Section 29.</p> <p>In section 30, in subsection (3), the words from the beginning of the subsection to the word " and ", and subsections (4), (6) and (7).</p> <p>Section 31.</p> <p>Section 33.</p> <p>In section 35, paragraph (a) of subsection (1).</p> <p>In section 36(1), the definition of " the Registrar ".</p>
<p>5 &amp; 6 Eliz. 2. c. 20.</p>	<p>The House of Commons Disqualification Act 1957.</p>	<p>In Part III of Schedule 1, and in the Part substituted for the said Part III by Schedule 3, the words "</p>

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Chapter	Short Title	Extent of Repeal
6 & 7 Eliz. 2. c. 51.	The Public Records Act 1958.	Registrar of Restrictive Trading Agreements ". In Schedule 2, the entries relating to section 17 of the Monopolies and Restrictive Practices (Inquiry and Control) Act 1948 and section 33 of the Restrictive Trade Practices Act 1956.
1964 c. 58.	The Resale Prices Act 1964. In section 11(1), the definition of " the Registrar ".	In section 8, subsection (4).
1965 c. 50.	The Monopolies and Mergers Act 1965.	The whole Act.
1967 c. 28.	The Superannuation (Miscellaneous Provisions) Act 1967.	In section 3, paragraph (d) of subsection (4).
1968 c. 29.	The Trade Descriptions Act 1968.	In section 30, subsections (2) to (4).
1968 c. 66.	The Restrictive Trade Practices Act 1968.	Section 11.
1972 c. 68.	The European Communities Act 1972.	In section 10, subsection (3).