



Fair Trading Act 1973

1973 CHAPTER 41

PART VI

REFERENCES TO COMMISSION OTHER THAN MONOPOLY AND MERGER REFERENCES

78 General references.

- (1) The Secretary of State, or the Secretary of State and any other Minister acting jointly, may at any time require the Commission to submit to him or them a report on the general effect on the public interest—
 - (a) of practices of a specified class which, in his or their opinion, are commonly adopted as a result of, or for the purpose of preserving, monopoly situations, or
 - (b) of any specified practices which appear to him or them to be uncompetitive practices.
- (2) The Secretary of State, or the Secretary of State and any other Minister acting jointly, may also at any time require the Commission to submit to him or them a report on the desirability of action of any specified description for the purpose of remedying or preventing effects, adverse to the public interest, which result or might result from monopoly situations or from any such practices as are mentioned in the preceding subsection.
- (3) The matters to be taken into consideration by the Commission on any reference under this section shall not include any provisions of any agreement in so far as they are provisions by virtue of which it is an agreement to which [^{F1}the Act of 1976] applies.

Textual Amendments

F1 Words substituted by [Restrictive Trade Practices Act 1976 \(c. 34\)](#), [Sch. 5](#)

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Fair Trading Act 1973, Part VI. (See end of Document for details)

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 ^{M1}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—
 - (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.

Marginal Citations

M1 1971 c. 72.

80 Variation of reference under Part VI.

A reference made under this Part of this Act may at any time be varied by the Minister or Ministers by whom the reference was made.

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

There are currently no known outstanding effects for the Fair Trading Act 1973, Part VI.