



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,^{F1} . . .,—
 - (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^{F1} . . ., or by a member of the Committee^{F1} . . . nominated by them for that purpose.
- (2) Subject to subsection (1) of this section, the Advisory Committee^{F2} . . . 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^{F2} . . . are to be held in public.
- (3) In determining their procedure under subsection (2) of this section,^{F3} . . ., the Advisory Committee^{F3} . . . shall act in 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.

Status: Point in time view as at 01/04/1999.

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

Textual Amendments

- F1** Words in s. 81(1) repealed (1.4.1999) by 1998 c. 41, s. 74(1)(3), Sch. 12 para. 1(9)(a)(i)(ii), **Sch. 14 Pt. I** (with s. 73); S.I. 1999/505, art. 2, **Sch. 2**
- F2** Words in s. 81(2) repealed (1.4.1999) by 1998 c. 41, s. 74(1)(3), Sch. 12 para. 1(9)(b), **Sch. 14 Pt. I** (with s. 73); S.I. 1999/505, art. 2 **Sch. 2**
- F3** Words in s. 81(3) repealed (1.4.1999) by 1998 c. 41, s. 74(1)(3), Sch. 12 para. 1(9)(c), **Sch. 14 Pt. I** (with s. 73); S.I. 1999/505, art. 2, **Sch. 2**

Modifications etc. (not altering text)

- C1** S. 81 applied with modifications (E.W.) (01.12.1991) by **Water Industry Act 1991** (c. 56, SIF 130), **ss. 14(7), 223(2)** (with **ss. 82(3), 186(1), 188, 222(1)**, Sch. 14 para. 6).
- S. 81 extended with modifications (1.4.1992) by S.I. 1992/231 (N.I. 1), **art. 15(8)**; S.R. 1992/117, **art. 3(1)**
- S. 81 modified by **Broadcasting Act 1990** (c. 42, SIF 96), s. 39, **Sch. 4 para. 4(7)(a)**
- S. 81 applied with modifications (E.W.S.) by **Electricity Act 1989** (c. 29, SIF 44:1) s. 12(8)
- S. 81 applied with modifications (E.W.) by **Water Act 1989** (c. 15, SIF 44:2) ss. 24(7), 48(3)(4)
- S. 81 applied with modifications (E.W.S.) by **Gas Act 1986** (c. 44, SIF 44:2), **ss. 24(7), 48(3)(4)**
- S. 81 applied with modifications (E.W.S.) by **Airports Act 1986** (c. 31, SIF 9), s. **44(3)**
- S. 81 applied (with modifications) (E.W.S.) (1.4.1994) by 1993 c. 43, s. **13(8)(9)**; S.I. 1994/571, **art. 5**.
- S. 81 applied (with modifications) (N.I.) (10.6.1996) by S.I. 1996/275 (N.I. 2), **art. 15(9)**; S.R. 1996/216, **art. 2**
- S. 81 applied (with modifications) (1.9.1995) by S.I. 1994/426 (N.I. 1), **art. 35(3)**; S.R. 1995/294, **art. 2**
- S. 81 applied (with modifications) (28.8.1996) by S.I. 1996/2199, **art. 16**

82 General provisions as to reports.

- (1) In making any report under this Act the Advisory Committee or the Commission shall have regard to the need for excluding, so far as that is practicable,—
- (a) any matter which relates to the private affairs of an individual, where the publication of that matter would or might, in their opinion, seriously and prejudicially affect the interests of that individual, and
 - (b) any matter which relates specifically to the affairs of a particular body of persons, whether corporate or unincorporate, where publication of that matter would or might, in the opinion of the Advisory Committee or of the Commission, as the case may be, seriously and prejudicially affect the interests of that body, unless in their opinion the inclusion of that matter relating specifically to that body is necessary for the purposes of the report.
- (2) For the purposes of the law relating to defamation, absolute privilege shall attach to any report of the Advisory Committee or of the Commission under this Act.
- (3) Subject to the next following subsection, if—
- (a) on a reference to the Advisory Committee under this Act, or
 - (b) on a reference to the Commission, other than a monopoly reference limited to the facts,
- a member of the Advisory Committee or of the Commission, as the case may be, dissents from any conclusions contained in the report on the reference as being conclusions of the Committee or of the Commission, the report shall, if that member so desires, include a statement of his dissent and of his reasons for dissenting.

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- (4) In relation to a report made by a group of members of the Commission in pursuance of paragraph 10 or paragraph 11 of Schedule 3 to this Act, subsection (3) of this section shall have effect subject to paragraph 14(1) of that Schedule.

Modifications etc. (not altering text)

- C2** S. 82 extended (E.W.) (01.12.1991) by [Water Industry Act 1991](#) (c. 56, SIF 130), **ss. 15(3)**, 223(2) (with **ss. 82(3)**, 186(1), 188, 222(1), Sch. 14 para. 6).
 S. 82 applied (1.4.1992) by S.I. 1992/231 (N.I. 1), **art. 16(3)**; S.R. 1992/117, **art.3(1)**
 S. 82 applied (N.I.) (1.9.1995) by S.I. 1994/426 (N.I. 1), **art. 36(4)**; S.R. 1995/294, art. 2, **Sch.**
 s. 82 applied (N.I.) (10.6.1996) by S.I. 1996/275 (N.I. 2), **art. 16(3)** (with Sch. 7 paras. 2, 3(2)); S.R. 1996/216, **art. 2**
 S. 82 extended by [Broadcasting Act 1990](#) (c. 42, SIF 96), s. 39, **Sch. 4 para. 5(5)**
 S. 82 extended (E.W.) by [Water Act 1989](#) (c. 15, SIF 130), **s. 17(3)**
 S. 82 extended (E.W.S.) by [Electricity Act 1989](#) (c. 29, SIF 44:1) s. 13(3)
 S. 82 extended (E.W.S.) by [Gas Act 1986](#) (c. 44, SIF 44:2), **ss. 25(3)**, 48(3)(4)
 S. 82 extended (E.W.S.) by [Airports Act 1986](#) (c. 31, SIF 9), **s. 45(4)**
 S. 82 extended by [Telecommunications Act 1984](#) (c. 12, SIF 96), **s. 14(3)**
 S. 82 applied (E.W.S.) (1.4.1994) by 1993 c. 43, **s. 14(3)(7)**; S.I. 1994/571. art. 5
 S. 82 applied (with modifications) (28.8.1996) by S.I. 1996/2199, **reg. 16**
- C3** S. 82(1)(2) extended (24.11.1999) by S.I. 1999/3088, **reg. 11**

83 Laying before Parliament and publication of reports.

- (1) ^{F4} . . . the Minister or Ministers to whom any report of the Advisory Committee on a reference to which section 17 of this Act applies, or any report of the Commission under this Act, is made shall lay a copy of the report before each House of Parliament, and shall arrange for the report to be published in such manner as appears to the Minister or Ministers to be appropriate.

^{F5}(1A)

- (2) If such a report is presented by command of Her Majesty to either House of Parliament otherwise than at or during the time of a sitting of that House, the presentation of the report shall for the purposes of this section be treated as the laying of a copy of it before that House by the Minister or Ministers to whom the report was made.
- (3) If it appears to the Minister or Ministers to whom any report of the Advisory Committee or of the Commission under this Act is made that the publication of any matter in the report would be against the public interest, the Minister or Ministers shall exclude that matter from the copies of the report as laid before Parliament and from the report as published under this section.

[^{F6}(3A) Without prejudice to subsection (3) above, if the Minister or Ministers to whom any such report is made consider that it would not be in the public interest to disclose—

- (a) any matter contained in the report relating to the private affairs of an individual whose interests would, in the opinion of the Minister or Ministers, be seriously and prejudicially affected by the publication of that matter, or
- (b) any matter contained in the report relating specifically to the affairs of a particular person whose interests would, in the opinion of the Minister or Ministers, be seriously and prejudicially affected by the publication of that matter,

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the Minister or Ministers shall exclude that matter from the copies of the report as laid before Parliament and from the report as published under this section.]

- (4) Any reference in this Act to a report of the Advisory Committee or of the Commission as laid before Parliament shall be construed as a reference to the report in the form in which copies of it are laid (or by virtue of subsection (2) of this section are treated as having been laid) before each House of Parliament under this section.

Textual Amendments

- F4** Words in s. 83(1) repealed (11.1.1999) by 1998 c. 41, ss. 69(a), 74(3), **Sch. 14 Pt. I** (with s. 73); S.I. 1998/3166, art. 2, **Sch.**
- F5** S. 83(1A) repealed (11.1.1999) by 1998 c. 41, ss. 69(b), 74(3), **Sch. 14 Pt. I** (with s. 73); S.I. 1998/3166, art. 2, **Sch.**
- F6** S. 83(3A) inserted by Companies Act 1989 (c. 40, SIF 27), s. 153, **Sch. 20 para. 12**

Modifications etc. (not altering text)

- C4** S. 83 applied (with modifications) (28.8.1996) by S.I. 1996/2199, **reg. 16**

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