

Status: Point in time view as at 01/12/1991.

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

SCHEDULES

SCHEDULE 8

POWERS EXERCISABLE BY ORDERS UNDER SECTIONS 56 AND 73

Modifications etc. (not altering text)

- C1 Sch. 8 extended (with modifications) (13.5.1999) by 1994 c. 17, s. 33(2); S.I. 1999/1309, art. 2, Sch.
- C1 Sch. 8 applied (with modifications) (9.5.1998) by 1993 c. 21, s. 33(2); S.I. 1998/1138, art. 2(e)(vii)

PART I

POWERS EXERCISABLE IN ALL CASES

Modifications etc. (not altering text)

- C1 Sch. 8 Pt. I extended (N.I.) (1.9.1995) by S.I. 1994/426 (N.I. 1), art. 45(1); S.R. 1995/294, art. 2, Sch. Sch. 8 Pt. I modified (10.6.1996) by S.I. 1996/275 (N.I. 2), art. 18(1)(a) (with Sch. 7 paras. 2, 3(2)); S.R. 1996/216, art. 2
Sch. 8 Pt. I extended (with modifications) (28.8.1996) by S.I. 1996/2199, reg. 21(1)(3)(4)(6)
- C2 Pt. I extended by Competition Act 1980 (c. 21), ss. 10(4), 33(5) and extended (except para. 10) (1.5.1980) *ibid.*, s. 12(6)
- C3 Sch. 8 Pt. I extended by Copyright, Designs and Patents Act 1988 (c. 48, SIF 67A), ss. 144(1), 238(1)

- 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 [F1the Act of 1976] 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 [F1the Act of 1976] 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 ^{M1}Industrial Relations Act 1971.

Textual Amendments

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

Marginal Citations

M1 [1971 c. 72.](#)

- 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.

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- 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.
- 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.
- [^{F2}9A (1) An order may require a person supplying goods or services to publish—
- (a) any such accounting information in relation to the supply of the goods or services, and
 - (b) any such information in relation to—
 - (i) the quantities of goods or services supplied, or
 - (ii) the geographical areas in which they are supplied,
- as may be specified or described in the order.
- (2) In this paragraph “accounting information”, in relation to a supply of goods or services, means information as to—
- (a) the costs of the supply, including fixed costs and overheads,
 - (b) the manner in which fixed costs and overheads are calculated and apportioned for accounting purposes of the supplier, and
 - (c) the income attributable to the supply.]

Textual Amendments

F2 Sch. 8 Pt. I para. 9A inserted by Companies Act 1989 (c. 40, SIF 27), s. 153, Sch. 20 para. 19(2)

- 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

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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.
- [^{F3}(12A) An order may require any person to furnish any such information to the Director as may be specified or described in the order.
- (12B) An order may require any activities to be carried on separately from any other activities.
- (12C) An order may prohibit or restrict the exercise of any right to vote exercisable by virtue of the holding of any shares, stock or securities.]

Textual Amendments

F3 Sch. 8 Pt. I paras. 12A–12C inserted by Companies Act 1989 (c. 40, SIF 27), s. 153, Sch. 20 para. 19(3)

- 13 In this Part of this Schedule “the appropriate Minister”, in relation to an order, means the Minister by whom the order is made.

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