



# Fair Trading Act 1973

## 1973 CHAPTER 41

### PART XII

#### MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

#### 137 General interpretation provisions.

(1) In this Act—

“the Act of 1948” means the <sup>M1</sup>Monopolies and Restrictive Practices (Inquiry and Control) Act 1948;

[<sup>F1</sup>“the Act of 1976” means the <sup>M2</sup>Restrictive Trade Practices Act 1976];

...

“the Act of 1965” means the <sup>M3</sup>Monopolies and Mergers Act 1965;

...

“assignment”, in relation to Scotland, means assignation;

“contract of employment” means a contract of service or of apprenticeship, whether it is express or implied, and (if it is express) whether it is oral or in writing;

“scale” (where the reference is to the scale on which any services are, or are to be, made available, supplied or obtained) means scale measured in terms of money or money’s worth or in any other manner.

(2) Except in so far as the context otherwise requires, in this Act, . . . <sup>F4</sup> the following expressions have the meanings hereby assigned to them respectively, that is to say—

“the Advisory Committee” means the Consumer Protection Advisory Committee;

“agreement” means any agreement or arrangement, in whatever way and in whatever form it is made, and whether it is, or is intended to be, legally enforceable or not;

“business” includes a professional practice and includes any other undertaking which is carried on for gain or reward or which is an undertaking in the course of which goods or services are supplied otherwise than free of charge;

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“commercial activities in the United Kingdom” means any of the following, that is to say, the production and supply of goods in the United Kingdom, the supply of services in the United Kingdom and the export of goods from the United Kingdom;

“the Commission” means the Monopolies and Mergers Commission;

“complex monopoly situation” has the meaning assigned to it by section 11 of this Act;

“consumer” (subject to subsection (6) of this section) means any person who is either—

- (a) a person to whom goods are or are sought to be supplied (whether by way of sale or otherwise) in the course of a business carried on by the person supplying or seeking to supply them, or
- (b) a person for whom services are or are sought to be supplied in the course of a business carried on by the person supplying or seeking to supply them,

and who does not receive or seek to receive the goods or services in the course of a business carried on by him;

“the Director” means the Director General of Fair Trading;

“enactment” includes an enactment of the Parliament of Northern Ireland;

“goods” includes buildings and other structures, and also includes ships, aircraft and hovercraft, . . . <sup>F5</sup>;

“group” (where the reference is to a group of persons fulfilling specified conditions, other than the condition of being interconnected bodies corporate) means any two or more persons fulfilling those conditions, whether apart from fulfilling them they would be regarded as constituting a group or not;

“merger reference” has the meaning assigned to it by section 5(3) of this Act;

“merger situation qualifying for investigation” has the meaning assigned to it by section 64(8) of this Act;

“Minister” includes a government department but shall not by virtue of this provision be taken to include the establishment consisting of the Director and his staff, and, except where the contrary is expressly provided, does not include any [<sup>F6</sup>Northern Ireland department];

“monopoly reference” and “monopoly situation” have the meanings assigned to them by section 5(3) of this Act;

“newspaper merger reference” has the meaning assigned to it by section 59(3) of this Act;

“practice” means any practice, whether adopted in pursuance of an agreement or otherwise;

“price” includes any charge or fee, by whatever name called;

“produce”, in relation to the production of minerals or other substances, includes getting them, and, in relation to the production of animals or fish, includes taking them;

“supply”, in relation to the supply of goods, includes supply by way of sale, lease, hire or hire-purchase, and, in relation to buildings or other structures, includes the construction of them by a person for another person;

“uncompetitive practices” means practices having the effect of preventing, restricting or distorting competition in connection with any commercial activities in the United Kingdom;

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“worker” (subject to subsection (7) of this section) has the meaning assigned to it by [F7 section 30 of the M4 Trade Union and Labour Relations Act 1974].

- (3) In the provisions of this Act . . . F4 “the supply of services” does not include the rendering of any services under a contract of employment but, . . . F4,—
- (a) includes the undertaking and performance for gain or reward of engagements (whether professional or other) for any matter other than the supply of goods, and
  - (b) includes both the rendering of services to order and the provision of services by making them available to potential users [F8], and
  - (c) includes the making of arrangements for a person to put or keep on land a caravan (within the meaning of Part I of the M5 Caravan Sites and Control of Development Act 1960) other than arrangements by virtue of which the person may occupy the caravan as his only or main residence [F9] and
  - (d) includes the making of arrangements for the use by public service vehicles (within the meaning of the Public Passenger Vehicles Act 1981) of a parking place which is used as a point at which passengers on services provided by means of such vehicles may be taken up or set down. [F10] and
  - (e) includes the making of arrangements permitting use of the tunnel system (within the meaning of the Channel Tunnel Act 1987) by a person operating services for the carriage of passengers or goods by rail. [F11] and
  - (f) includes the making of arrangements, by means of such an agreement as is mentioned in section 189(2) of the Broadcasting Act 1990, for the sharing of the use of any telecommunication apparatus (within the meaning of Schedule 2 to the Telecommunications Act 1984).]

and any reference in those provisions to services supplied or to be supplied, or to services provided or to be provided, shall be construed accordingly.

- (4) . . . . . F12
- (5) For the purposes of the provisions of this Act . . . F4, any two bodies corporate are to be treated as interconnected if one of them is a body corporate of which the other is a subsidiary (within the meaning of [F13 section 736 of the Companies Act 1985]) or if both of them are subsidiaries (within the meaning of that section) of one and the same body corporate; and in those provisions “interconnected bodies corporate” shall be construed accordingly, and “group of interconnected bodies corporate” means a group consisting of two or more bodies corporate all of whom are interconnected with each other.
- (6) For the purposes of the application of any provision of this Act in relation to goods or services of a particular description or to which a particular practice applies, “consumers” means persons who are consumers (as defined by subsection (2) of this section) in relation to goods or services of that description or in relation to goods or services to which that practice applies.
- (7) For the purposes of the application of this Act to Northern Ireland, the definition of “worker” in subsection (2) of this section shall apply as if [F7 the M6 Trade Union and Industrial Relations Act 1974] extended to Northern Ireland but, in [F7 section 30(2) (a)] of that Act, references to general medical services, pharmaceutical services, general dental services or general ophthalmic services provided under the enactments mentioned in that subsection were references to the corresponding services provided in Northern Ireland under the corresponding enactments there in force.

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- (8) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment, including this Act.

#### Textual Amendments

- F1** Words substituted by [Restrictive Trade Practices Act 1976 \(c. 34\)](#), **Sch. 5**
- F2** Definition repealed by [Resale Prices Act 1976 \(c. 53\)](#), **Sch. 3 Pt. I**
- F3** Definition repealed by [Restrictive Trade Practices Act 1976 \(c. 34\)](#), **Sch. 6**
- F4** Words repealed by [Restrictive Trade Practices Act 1976 \(c. 34\)](#), **Sch. 6**
- F5** Words repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(4), **Sch. 18**
- F6** Words substituted by virtue of [Northern Ireland Act 1974 \(c. 28\)](#), **Sch. 1 para. 2(1)(b)(4)**
- F7** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), s. 17(2)(a)
- F8** Word and s. 137(3)(c) inserted (4.4.1980) by [Competition Act 1980 \(c. 21\)](#), s. 23
- F9** [S. 137\(3\)\(d\)](#) added by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 116(1)
- F10** [S. 137\(3\)\(e\)](#) added by [Channel Tunnel Act 1987 \(c. 53, SIF 102\)](#), s. 33(10)
- F11** [S. 137\(3\)\(f\)](#) inserted by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), s. 192(1)
- F12** [S. 137\(4\)](#) repealed by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(4), **Sch. 18**
- F13** Words substituted by [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\)](#), s. 30, **Sch. 2**

#### Modifications etc. (not altering text)

- C1** Reference to enactment of Parliament of Northern Ireland to be construed as including reference to Measure of Northern Ireland Assembly: [Northern Ireland Constitution Act 1973 \(c. 36\)](#), **Sch. 5 para. 1(1)(2)**

#### Marginal Citations

- M1** 1948 c. 66.
- M2** 1976 c. 34.
- M3** 1965 c. 50.
- M4** 1974 c. 52.
- M5** 1960 c. 62.
- M6** 1974 c. 52.

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