



Restrictive Trade Practices Act 1976

1976 CHAPTER 34

PART IV

GENERAL

Registration

23 General provisions as to the register

- (1) The register for the purposes of this Act shall be kept by the Director—
 - (a) at such premises within the United Kingdom; and
 - (b) in such form ;as he may determine.
- (2) The Director shall cause notice of—
 - (a) any declaration made under section 1(3) above ;
 - (b) any order made under section 2 above;to be entered in the register.
- (3) Regulations made under section 27 below shall provide for the maintenance of a special section of the register, and for the entry or filing in that section of such particulars as the Secretary of State may direct, being—
 - (a) particulars containing information the publication of which would in the Secretary of State's opinion be contrary to the public interest;
 - (b) particulars containing information as to any secret process of manufacture (or, in relation to Part III of this Act, any secret process) or as to the presence, absence or situation of any mineral or other deposits or as to any other similar matter, being information the publication of which in the Secretary of State's opinion would substantially damage the legitimate business interests of any person.

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- (4) The register, other than the special section, shall be open to public inspection during such hours and subject to payment of such fee as may be prescribed by regulations made under section 27.
- (5) Any person may, upon payment of such fee as may be prescribed by regulations made under section 27, require the Director to supply to him a copy of or extract from any particulars entered or filed in the register, other than the special section, certified by the Director to be a true copy or extract.
- (6) No process for compelling the production of the register or of any other document kept by the Director shall issue from any court except with the leave of the court, and any such process if issued shall bear a statement that it is issued with the leave of the court.
- (7) A copy of or extract from any document entered or filed in the register, certified under the hand of the Director or an officer authorised to act on his behalf (whose official position it shall not be necessary to prove), shall in all legal proceedings be admissible in evidence as of equal validity with the original.

24 Particulars and time for registration

- (1) In respect of every agreement which is subject to registration under this Act the following particulars shall be furnished to the Director—
 - (a) the names and addresses of the persons who are parties to the agreement; and
 - (b) the whole of the terms of the agreement, whether or not relating to any such restriction or information provision as is described in this Act.
- (2) The additional provisions contained in Schedule 2 to this Act have effect as to the particulars to be furnished in respect of—
 - (a) an agreement which is subject to registration under this Act; and
 - (b) the variation or determination of such an agreement;and such particulars shall in the cases specified in the first column of the Table in paragraph 5(1) of that Schedule be furnished within the time specified in the second column of that Table.
- (3) In relation to an agreement to which this Act—
 - (a) has effect by virtue of section 8 above as if it were an agreement between members of a trade association, or persons represented on the trade association by such members;
 - (b) has effect by virtue of section 16 above as if it were an agreement between members of a services supply association, or persons represented on the services supply association by such members;

references in this section and Schedule 2 to the parties to the agreement include references to those members or persons, and in relation to an agreement in which a term is implied by virtue of section 8(2) or (4) above, or section 16(3) or (5) above, as the case may be, the reference in this section to the terms of the agreement includes a reference to that term, and references in this section and Schedule 2 to an agreement shall be construed accordingly.

25 Particulars of export agreements

Section 24 above has effect in relation to an agreement which is or becomes one to which this Act would apply but for—

- (a) paragraph 6(1) of Schedule 3 to this Act, where the agreement relates to exports from the United Kingdom, or
 - (b) paragraph 9(1) of that Schedule,
- as if that agreement were subject to registration under this Act.

26 Court's power to rectify the register, etc.

- (1) The Court may, on the application of any person aggrieved, order the register to be rectified by the variation or removal of particulars included in the register in respect of any agreement.
- (2) The Court may, on the application of—
 - (a) any person party to an agreement; or
 - (b) the Director, in respect of an agreement of which particulars have been furnished to him under this Act;declare whether or not the agreement is one to which this Act applies, and if so whether or not it is subject to registration under this Act.
- (3) Where application is made under subsection (2) above by a party to an agreement before the expiry of the time within which, if the agreement is subject to registration under this Act, particulars are required to be furnished under section 24 above, then—
 - (a) if particulars of the agreement have not been so furnished before the commencement of the proceedings, that time shall be extended by a time equal to the time during which the proceedings and any appeal therein are pending, and such further time, if any, as the Court may direct; and
 - (b) if particulars have been so furnished, the Director shall not enter or file particulars of the agreement in the register during the time during which the proceedings and any appeal therein are pending.
- (4) Notice of an application to the Court under this section shall be served, in accordance with rules of court—
 - (a) in the case of an application by a person other than the Director, on the Director;
 - (b) in the case of an application by the Director, on the parties to the agreement or such of them as may be prescribed or determined by or under the rules;and a party on whom notice is so served shall be entitled, in accordance with such rules, to appear and be heard on the application.

27 Regulations for registration

- (1) Subject to the provisions of this Act, the Director may make regulations for the purposes of registration under this Act and for purposes connected therewith, and in particular, but without prejudice to the generality of the foregoing provision—
 - (a) for requiring that—
 - (i) in respect of an agreement he is furnished with information as to any steps taken, or decision given, under or for the purpose of any directly applicable Community provision affecting the agreement; and
 - (ii) the information so given or such part, if any of it, as may be provided by the regulations is included in the particulars to be entered or filed in the register under section 1(2)(b) above ;

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- (b) for regulating the procedure to be followed in connection with the furnishing of particulars, information and documents under section 24 above and section 36 below;
 - (c) for excluding from the particulars to be furnished or from the particulars to be entered in the register under this Act—
 - (i) such details as to parties or other persons, prices (or, in relation to Part III of this Act, charges) terms or other matters as are material for the purpose only of defining the particular application of continuing restrictions accepted or information provisions made under agreements of which particulars are so entered;
 - (ii) particulars of such variations as may be specified in the regulations, being variations the registration of which is in the Director's opinion unnecessary for the purposes of this Act;
 - (d) for prescribing the form of any notice, certificate or other document to be given, made or furnished under the provisions of this Act;
 - (e) for regulating the inspection of the register or of any document kept by the Director;
 - (f) for prescribing anything authorised or required by this Act to be prescribed by regulations made under this section.
- (2) Nothing in regulations made by virtue of subsection (1)(c) above shall affect the Director's power under section 36(3) to require the furnishing of further documents or information by any such person as is mentioned in section 36(3).
- (3) Any regulations made under this section prescribing a fee for inspection of the register or for the supply of copies of or extracts from particulars entered or filed in the register, shall be made with the approval of the Treasury.
- (4) The Director's power to make regulations under this section is exercisable by statutory instrument, and the Statutory Instruments Act 1946 shall apply to such regulations as it applies to regulations made by a Minister of the Crown within the meaning of that Act.