



# Restrictive Trade Practices Act 1976

## 1976 CHAPTER 34

### PART III

#### SERVICES

#### 17 Matters equivalent to restrictions for purposes of s. 11

- (1) For the purposes of any order made under section 11 above, and for the purposes of the relevant provisions, an agreement which—
- (a) confers privileges or benefits only upon such parties as comply with conditions as to any such matters as are mentioned in subsection (2) of that section ; or
  - (b) imposes obligations upon parties who do not comply with such conditions;
- shall be treated as an agreement under which restrictions are accepted by each of the parties in respect of those matters.
- (2) Without prejudice to subsection (1) above, an obligation on the part of any party to an agreement to make payments calculated by reference to the extent to which, or the scale on which—
- (a) any designated services are made available or supplied by him; or
  - (b) any services are obtained by him for the purpose of making available or supplying any designated services;

if the payments are calculated, or calculated at an increased rate, in respect of an extent or scale exceeding an extent or scale specified in or ascertained in accordance with the agreement, shall be treated for the purposes mentioned in subsection (1) as a restriction in respect of the extent or scale of the designated services to be made available or supplied. This subsection does not apply to any obligation on the part of any person to make payments to a services supply association of which he is a member, if the payments are to consist only of bona fide subscriptions for membership of the association.