



# Competition Act 1980

## 1980 CHAPTER 21

### *Patents and agricultural schemes*

14 .....<sup>F1</sup>

#### **Textual Amendments**

**F1** S. 14 repealed by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 303(2), [Sch. 8](#)

#### **15 Agricultural schemes: special provisions.**

(1) In subsection (1) of section 19A of the <sup>M1</sup>Agricultural Marketing Act 1958 (power of Minister to make orders under section 19 of that Act where report of Commission on monopoly reference contains certain conclusions) after the words “Fair Trading Act 1973” there shall be inserted the words “ or section 8 or 11 of the Competition Act 1980”.

(2) The Secretary of State shall not—

- (a) give a direction under subsection (5) of section 3 above or a consent under subsection (9) of that section in relation to an investigation under that section, or
- (b) give a direction under section 7(2) or (3) above in relation to a competition reference, or
- (c) make or vary a reference under section 11 above,

in a case where the person to whom or to whose conduct or activities the investigation or reference relates falls within section 11(3)(d) above unless he has first consulted the relevant Minister.

(3) Where the report of the Commission on a competition reference concludes that a board administering a scheme under the said Act of 1958 [<sup>F2</sup>or the <sup>M2</sup>Agricultural Marketing Act (Northern Ireland) 1964][<sup>F3</sup>or the Agricultural Marketing (Northern Ireland) Order 1982]was engaging in an anti-competitive practice which operated or

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Competition Act 1980, Cross Heading: Patents and agricultural schemes. (See end of Document for details)*

might be expected to operate against the public interest, the Secretary of State shall not exercise any function under section 9 above except acting jointly with the relevant Minister and, in its application in such a case, section 9 above shall have effect as if the references in it to the Secretary of State (except the second reference in subsection (6)) were references to both the Secretary of State and the relevant Minister.

- (4) Before carrying out an investigation under section 3 above into any course of conduct being pursued by a person falling within section 11(3)(d) above the Director shall give notice as required by section 3(2)(a) above also to the relevant Minister and on making any competition reference arising from that investigation or varying such a reference under section 6(6) above the Director shall send a copy of the reference or, as the case may be, the variation to the relevant Minister.
- (5) In this section “the relevant Minister” means—
- (a) in the case of a board administering a scheme under the said Act of 1958, the Minister who would have power to make an order under section 19 of that Act in relation to that board or the board administering that scheme, and
  - (b) in the case of a board administering a scheme under [<sup>F4</sup>the said Act of 1964 [<sup>F5</sup>or]the said Order of 1982], the Department of Agriculture for Northern Ireland.

#### Textual Amendments

- F2** Words repealed (*prosp.*) (but by S.R.s 1984 No. 422 and 1989 No. 47 the repeal came into operation in relation to the Pigs Marketing Board (Northern Ireland) on 31.12.1984 and in relation to the Milk Marketing Board for Northern Ireland on 1.4.1989 respectively) by S.I. 1982/1080, (N.I. 12), art. 46(2), Sch. 9
- F3** Words inserted by S.I. 1982/1080, (N.I. 12), art. 46(1), Sch. 8
- F4** “the said Act of 1964 or” repealed (*prosp.*) (but by S.R.s 1984 No. 422 and 1989 No. 47 the repeal came into operation in relation to the Pigs Marketing Board (Northern Ireland) on 31.12.1984 and in relation to the Milk Marketing Board for Northern Ireland on 1.4.1989 respectively) by S.I. 1982/1080, (N.I. 12), art. 46(2), Sch. 9
- F5** “or the said Order of 1982” inserted by S.I. 1982/1080 (N.I. 12), art. 46(1), Sch. 8

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

- C1** The text of ss. 15(1), 22, 23, 27(4), 28, 30(1), 32(2), 33(4), Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

- M1** 1958 c. 47.
- M2** 1964 c. 13 (N.I.)

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