

1968 No. 1755

**RESTRICTIVE TRADE PRACTICES****The Registration of Restrictive Trading Agreements  
Regulations 1968**

*Made* - - - - 4th November 1968  
*Laid before Parliament* 11th November 1968  
*Coming into Operation* 25th November 1968

The Registrar of Restrictive Trading Agreements (in these regulations referred to as "the Registrar") in exercise of the powers conferred upon him by sections 11 and 19 of the Restrictive Trade Practices Act 1956(a) as amended by section 8 of the Restrictive Trade Practices Act 1968(b) (in these regulations referred to respectively as "the Act of 1956" and "the Act of 1968") hereby orders that the following regulations shall have effect:—

*Procedure to be followed in furnishing particulars of agreements*

1.—(1) In respect of every agreement which is subject to registration under Part I of the Act of 1956 there shall be delivered or sent to the Registrar within the period specified in section 6 of the Act of 1968—

- (a) four copies of each document specified in relation to that agreement in paragraph (4) of this regulation, one copy of each of which is signed or identified by the signature of the person furnishing it; and therewith
- (b) a certificate on a form provided by the Registrar, signed by the person furnishing those documents and certifying that there are comprised in those documents the whole of the terms of that agreement and the names and addresses of the persons who are parties to it (including, in the case of an agreement made by a trade association, all persons who are members of the association or are represented thereon by such members):

Provided that, in the case of an agreement to which paragraph (5) of this regulation applies, if the names and addresses of all persons who are members of a trade association or who are represented thereon by such members are not furnished, the certificate shall so state and shall specify the approximate number of such members or persons represented as the case may be.

(2) Where any person is a party to numerous agreements which are subject to registration under Part I of the Act of 1956 and which except for the identity of another party thereto or the date thereof or both are in the same form, he may, instead of complying with paragraph (1) of this regulation in respect of each of those agreements individually, deliver or send to the Registrar within the period specified in section 6 of the Act of 1968—

- (a) four copies of each document specified in paragraph (4) of this regulation setting out the whole of the terms common to those agreements,

(a) 1956 c. 68.

(b) 1968 c. 66.

one copy of each of which is signed or identified by the signature of the person furnishing it ; and therewith

- (b) four copies of lists indicating respectively the name and address of each person who is a party to all those agreements, and the names and addresses of the persons each of whom is a party to one of them ; and
- (c) a certificate on a form provided by the Registrar, signed by the person furnishing those documents and certifying that there are comprised in those documents the whole of the terms of those agreements and the names and addresses of all the persons who are parties to them at the date of the certificate (including, in the case of an agreement made by a trade association, all persons who are members of the association or are represented thereon by such members) :

Provided that, in the case of an agreement to which paragraph (5) of this regulation applies, if the names and addresses of all persons who are members of a trade association or who are represented thereon by such members are not furnished, the certificate shall so state and shall specify the approximate number of such members or persons represented as the case may be.

(3) Nothing in paragraph (2) of this regulation shall affect the obligations of any person under these regulations in relation to any such agreement made after the date of the certificate referred to in sub-paragraph (c) thereof.

(4) In so far as there are comprised in one or more instruments in writing—

- (a) the terms of any agreement which is subject to registration under Part I of the Act of 1956 (including, in relation to an agreement in which a term is implied by virtue of section 6(7) of the Act of 1956, any specific recommendation to which such a term applies) ;
- (b) the names and addresses of the persons who are parties to that agreement (including, in the case of an agreement made by a trade association, all persons who are members of the association or who are represented thereon by such members) ;

each of those instruments is a document copies of which are required to be delivered or sent to the Registrar :

Provided that if the agreement was made before it became subject to registration under Part I of the Act of 1956, and one or more of those instruments vary another or others of them, the copies of the instruments which have been varied may indicate and incorporate any such variations made before the expiration of the period specified in section 6 of the Act of 1968 in relation to the registration of that agreement.

In so far as the terms or names and addresses specified in sub-paragraphs (a) and (b) of this paragraph are not comprised in one or more instruments in writing, a memorandum in writing setting out the whole of those terms and the names and addresses of all those persons is a document copies of which are required to be delivered or sent to the Registrar.

(5) In the case of an agreement to which the members of one or more trade associations, or persons represented thereon by such members, are parties as such, or are to be treated as parties for the purposes of Part I of the Act of 1956—

- (a) where the number of members of any such association exceeds 200 it shall not be requisite for any instrument or memorandum furnished

to the Registrar in pursuance of this regulation to specify the names and addresses of the members of that association ; and

- (b) where the number of persons represented on any such association by members exceeds 200 it shall not be requisite for any such instrument or memorandum to specify their names and addresses.

2.—(1) Subject to the provisions of section 10(3) of the Act of 1956, if at any time after an agreement has become subject to registration under Part I of that Act that agreement is varied in a manner specified in paragraph (4) of this regulation or is determined otherwise than by effluxion of time, there shall be delivered or sent to the Registrar within the period specified in section 6 of the Act of 1968—

- (a) four copies of each document specified in paragraph (2) of this regulation, one copy of each of which is signed or identified by the signature of the person furnishing it ; and therewith
- (b) a certificate on a form provided by the Registrar, signed by the person furnishing those documents and certifying that there are comprised in those documents complete particulars of the variation or determination, as the case may be.

(2) In so far as any such variation or determination is effected by an instrument in writing, that instrument is a document copies of which are required to be delivered or sent to the Registrar.

In so far as any such variation or determination is not effected by an instrument in writing, a memorandum in writing setting out complete particulars thereof is a document copies of which are required to be delivered or sent to the Registrar.

(3) Where particulars of a number of agreements have been delivered or sent to the Registrar in the manner specified in paragraph (2) of regulation 1 of these regulations, and at any time all of those agreements and any other agreements in the same form, particulars of which have been delivered or sent to the Registrar, (other than any such agreements previously determined) are varied in the same manner, being a manner specified in paragraph (4) of this regulation, or are determined otherwise than by effluxion of time, any person who is a party to all those agreements may, instead of complying with paragraph (1) of this regulation in respect of each of them individually, deliver or send to the Registrar within the period specified in section 6 of the Act of 1968—

- (a) four copies of each such instrument or memorandum specified in paragraph (2) of this regulation as is required to provide complete particulars of such variation or determination, one copy of each of which is signed or identified by the signature of the person furnishing it ; and therewith
- (b) a list identifying all the agreements so varied or determined ; and
- (c) a certificate on a form provided by the Registrar, signed by the person furnishing those documents and certifying that there are comprised in those documents complete particulars of the variation or determination, as the case may be, and that that list is accurate and complete.

(4) The variations to which this regulation applies are variations by or by virtue of which for the purposes of Part I of the Act of 1956—

- (a) any further restriction is accepted by the parties to the agreement or any of them ;
- (b) any restriction ceases to have effect ;

- (c) the extent of the application of a continuing restriction is added to or reduced as regards the classes of persons, goods, processes of manufacture, areas or places to which it relates ;
- (d) in relation to any agreement in which restrictions are accepted in respect of the terms or conditions on or subject to which goods are to be supplied or acquired or any process of manufacture is to be applied to goods, those terms or conditions are varied.

*Exemption from furnishing particulars of certain variations*

3. If at any time after an agreement has become subject to registration under Part I of the Act of 1956 that agreement is varied (whether in respect of the parties or in respect of the terms) otherwise than in a manner specified in paragraph (4) of regulation 2 of these regulations, it shall not be requisite for particulars of that variation to be furnished to the Registrar. Nothing in this regulation shall prevent particulars of such a variation being delivered or sent to the Registrar in accordance with the said regulation 2.

*Saving*

4. Nothing in regulation 1 or 2 of these regulations shall prejudice any obligation under section 10(4) of the Act of 1956 in so far as that obligation is not complied with in the course of complying with those regulations.

*Application for extension of time for furnishing particulars*

5. Any application for further time for furnishing particulars of any agreement or of any variation extending or adding to the relevant restrictions beyond the time specified in section 6 of the Act of 1968 in relation thereto shall be delivered or sent to the Registrar in writing within the time so specified. Any such application shall—

- (a) identify the agreement or variation to which it relates ;
- (b) state the further time requested ; and
- (c) state the reason why it is impracticable to furnish the particulars within the time so specified.

*Application for entry in special section of the register*

6. In any case in which a person delivering or sending documents to the Registrar in pursuance of the preceding regulations is of opinion that the whole or a part of the particulars in respect of an agreement, being particulars comprised in any such document, ought to be entered or filed in the special section of the register provided for in regulation 7 of these regulations, he shall deliver or send with those documents a notice signed by him setting out his opinion and the reasons therefor and identifying the particulars in question.

*Contents of the register*

7.—(1) Subject to the following provisions of this regulation, the particulars of agreements subject to registration under Part I of the Act of 1956 to be entered or filed in the register shall be the particulars thereof duly furnished to the Registrar in pursuance of these regulations and any documents or information obtained by him under the provisions of Part I of the Act of 1956.

(2) There shall be maintained a special section of the register (not open to public inspection) in which there shall be entered or filed any such

particulars as aforesaid as the Board of Trade may direct by notice given to the Registrar, being particulars described in section 11(3) of the Act of 1956.

(3) There may be excluded from the particulars of any agreement entered or filed in the register such details as the Registrar may decide as to parties or other persons, prices, terms or other matters as are material for the purpose only of defining the particular application from time to time of a continuing restriction accepted under that agreement, and particulars of variations of any agreement other than variations specified in paragraph (4) of regulation 2 of these regulations.

*Inspection of the register*

8. The hours during which the register, other than the special section, shall be open to public inspection shall be from 10 a.m. until 4.30 p.m. on any day except Saturdays and Sundays and such public holidays and the like as may from time to time be notified by notice posted in a conspicuous place in the office of the Registrar.

*Address to which documents are to be delivered or sent*

9. Anything required by these regulations to be delivered or sent to the Registrar shall be addressed to—

The Registrar of Restrictive Trading Agreements (Branch R),  
Chancery House,  
Chancery Lane,  
London, W.C.2.

*Citation, commencement, revocation and interpretation*

10.—(1) These regulations may be cited as the Registration of Restrictive Trading Agreements Regulations 1968 and shall come into operation on the 25th November 1968.

(2) The Registration of Restrictive Trading Agreements Regulations 1956(a) are hereby revoked.

(3) The Interpretation Act 1889(b) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Rupert Sich,  
Registrar  
of Restrictive Trading Agreements.

4th November 1968.

(a) S.I. 1956/1654 (1956 II, p. 1984).

(b) 1889 c. 63.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These regulations specify the procedure to be followed in furnishing particulars of agreements which are subject to registration under Part I of the Restrictive Trade Practices Act 1956 and of variations or the determination thereof. They include provisions relating to the contents and inspection of the register of those agreements.

These regulations replace the Registration of Restrictive Trading Agreements Regulations 1956 but substantially re-enact them with modifications required or authorised by the Restrictive Trade Practices Act 1968. The principal modifications are :—

- (1) When particulars of an agreement are furnished the addresses as well as the names of the parties must be given but in relation to a trade association with more than 200 members the names and addresses of the members are not required (regulation 1).
- (2) Particulars of variations of agreements are not required by the regulations to be furnished unless the variation introduces a further restriction or determines or alters the existing restriction or, where the restriction relates to the use of standard terms and conditions, those terms and conditions are altered (regulation 2).