
STATUTORY INSTRUMENTS

1976 No. 1897

The Restrictive Practices Court Rules 1976

*Applications to discharge orders made by other
courts or for declarations under section 40 of the Act*

51. Any person who wishes to apply to the Court for the discharge of an order made under section 18(2) of the Restrictive Trade Practices Act 1956 by the High Court, the Court of Session or the High Court in Northern Ireland may do so by a notice of application which shall—

- (a) be issued out of the office of the Court situate in that part of the United Kingdom in which the order was made; and
- (b) contain—
 - (i) particulars of the order which the applicant seeks to have discharged and of the grounds on which he alleges that the order ought to be discharged;
 - (ii) particulars of the provisions of section 10(1) or 19(1) of the Act on which he intends to rely;
 - (iii) particulars of the facts and matters alleged by him to entitle him to rely on those provisions; and
- (c) be accompanied by a list of all the documents relevant to the application which are or have been in the possession or power of the applicant, indicating for which (if any) of those documents he claims privilege and the grounds of the claim.

52.—(1) Any person who wishes to apply to the Court for a declaration under section 40(1) of the Act may do so by a notice of application issued out of the central office of the Court, or the office of the Court in Scotland or Northern Ireland.

(2) A notice of application under paragraph (1) shall—

- (a) contain—
 - (i) particulars of the agreement which the applicant desires to make and of the order in force under section 56 of the Fair Trading Act 1973 or having effect as if made under that section, by virtue of which the making of the agreement is unlawful, or of any relevant undertaking or assurance given to the appropriate Minister within the meaning of the said section 56;
 - (ii) particulars of the provisions of section 10(1) or 19(1) of the Act on which the applicant intends to rely; and
 - (iii) particulars of the facts and matters alleged by him to entitle him to rely on those provisions; and
- (b) be accompanied by a list of all the documents relevant to the application which are or have been in the possession or power of the applicant, indicating for which (if any) of those documents he claims privilege and the grounds of the claim.

53.—(1) A notice of application under rule 51 or 52 shall be issued by being sealed with the Court's seal by the proper officer of the Court; and when issued the notice shall be returned to the

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applicant who shall leave a copy to be filed by the proper officer and shall serve a copy on the Director, who shall be the respondent to the notice.

(2) Without prejudice to the provisions of these Rules relating to discovery, the applicant shall within seven days after receiving notice in that behalf from the Director produce for his inspection the documents specified in the applicant's list of documents, or such of them as may be specified in the notice, and shall permit the Director to make copies thereof:

Provided that nothing in this paragraph shall affect the applicant's right to claim privilege for any document.

(3) If the Director wishes to oppose the application, he shall, within six weeks of the service upon him of the copy of the notice of application, deliver an answer to the applicant and file a copy thereof with the proper officer of the Court.

(4) The provisions of these Rules relating to a reference to the Court by the Director shall apply with the necessary modifications to all further proceedings on the application.

(5) Where an order is made for the discharge of an order made under section 18(2) of the Restrictive Trade Practices Act 1956, the proper officer of the Court shall send a copy of the first-mentioned order to the Chief Registrar of the Chancery Division of the High Court, the Principal Clerk of Session in Scotland or the Registrar of the Supreme Court of Northern Ireland, as the case may be.