

1988 No. 569

**PROTECTION OF TRADING INTERESTS**

**The Protection of Trading Interests  
(Australian Trade Practices) Order 1988**

<i>Made</i> - - - -	<i>23rd March 1988</i>
<i>Laid before Parliament</i>	<i>23rd March 1988</i>
<i>Coming into force</i> -	<i>24th March 1988</i>

Whereas it appears to the Secretary of State that the provision specified by this Order is concerned with the prohibition or regulation of agreements, arrangements or practices designed to restrain, distort or restrict competition in the carrying on of business of any description or is in that it relates to the control of mergers and acquisitions concerned with the promotion of such competition as aforesaid:

Now therefore the Secretary of State, in exercise of his powers under section 5(4) of the Protection of Trading Interests Act 1980(a) ("the 1980 Act") and of all other powers enabling him in that behalf, hereby makes the following Order—

1. This Order may be cited as the Protection of Trading Interests (Australian Trade Practices) Order 1988 and shall come into force on 24th March 1988.

2. For the purposes of section 5(2)(b) of the 1980 Act the Secretary of State hereby specifies section 81(1A) of the Trade Practices Act 1974(b) of Australia.

23rd March 1988

*Alan Clark*  
Minister for Trade

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(a) 1980 c.11.

(b) No. 51 of 1974, as amended by s.50 of the Trade Practices Amendment Act 1977 (No. 81 of 1977) and s.51 of the Trade Practices Revision Act 1986 (No. 17 of 1986).

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order specifies section 81 (1A) of the Australian Trade Practices Act 1974 for the purposes of section 5 (2) (b) of the Protection of Trading Interests Act 1980. Section 81 of the Trade Practices Act is concerned with the divestiture of assets acquired in contravention of the merger control provisions of that Act. Section 81 (1A) provides for an acquisition of shares to be declared void and the vendor to be ordered to refund the price paid for them. An overseas judgment based on a provision or rule of law specified or described for the purposes of section 5 (2) (b) of the 1980 Act is not enforceable in the United Kingdom.

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