

**2005 No. 355**

**COMPETITION**

**The Restriction on Agreements (Manufacturers and Importers of Motor Cars) (Revocation) Order 2005**

<i>Made</i> - - - -	<i>18th February 2005</i>
<i>Laid before Parliament</i>	<i>23rd February 2005</i>
<i>Coming into force</i> - -	<i>21st March 2005</i>

Whereas the Secretary of State, in accordance with section 91(2) of the Fair Trading Act 1973(a), published a notice on 3rd December 2004 stating her intention to make this Order, indicating the nature of the provisions to be embodied in it and stating that any person whose interests were likely to be affected by it and who was desirous of making representations in respect of it should do so in writing before 21st January 2005;

And whereas the Secretary of State received no representations;

Now, therefore, the Secretary of State, being the appropriate Minister under section 56 of the Act, in exercise of the powers conferred on her by sections 56(2), 90(2) and (4) and 134(2) of, and paragraphs 1 and 2 of Schedule 8 to, the Act(b), hereby makes the following Order:

**Citation and Commencement**

1. This Order may be cited as the Restriction on Agreements (Manufacturers and Importers of Motor Cars) (Revocation) Order 2005 and shall come into force on 21st March 2005.

**Revocation**

2. The Restriction on Agreements (Manufacturers and Importers of Motor Cars) Order 1982(c) is hereby revoked.

*Gerry Sutcliffe,*  
Parliamentary Under Secretary of State for  
Employment Relations, Postal Services and Consumers  
Department of Trade and Industry

18th February 2005

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(a) 1973 c.41. Section 91 of the Fair Trading Act 1973 was repealed by the Enterprise Act 2002 (c. 40), Schedule 26 but, pursuant to Schedule 24, paragraphs 14 and 19 of that Act, and SI 2003/1397 (“the saving provisions”), it continues to apply in respect of monopoly references made before 20 June 2003 under section 50 of the Fair Trading Act 1973.

(b) Sections 56 and 90 and Schedule 8 were repealed by the Enterprise Act 2002, Schedule 26 but, pursuant to the saving provisions (mentioned in footnote (a) above), they continue to apply in respect of monopoly references made before 20 June 2003 under section 50 of the Fair Trading Act 1973.

(c) S.I. 1982/1146.

## EXPLANATORY NOTE

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

This Order revokes the Restriction on Agreements (Manufacturers and Importers of Motor Cars) Order 1982 (the 1982 Order), which makes it unlawful, subject to certain exceptions, for a manufacturer or importer of motor cars to make or carry out an agreement with a franchisee to the extent that the agreement contains an “exclusive buying” provision relating to replacement car parts. It also requires manufacturers and importers of motor cars and their franchisees to terminate any such agreement to the extent that it contains such a provision.

Copies of the report of the Monopolies and Mergers Commission upon which the 1982 Order is based (HC 318 Session 1981/82) may be obtained from The Stationery Office.

A regulatory impact assessment has not been produced for this instrument, as it has no impact on the costs of business.

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