Table of Statutes referred to in this Act

Short Title	Session and Chapter
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Territorial and Reserve Forces Act, 1907 ...	7 Edw. 7. c. 9.
Air Force (Constitution) Act, 1917	7 & 8 Geo. 5. c. 51.
Auxiliary Air Force and Air Force Reserve Act, 1924	14 & 15 Geo. 5. c. 15.
Armed Forces (Conditions of Service) Act, 1939	2 & 3 Geo. 6. c. 68.
Military and Air Forces (Prolongation of Service) Act, 1939	2 & 3 Geo. 6. c. 90.
Statutory Instruments Act, 1946	9 & 10 Geo. 6. c. 36.
Local Government (Scotland) Act, 1947... ...	10 & 11 Geo. 6. c. 43.
National Service Act, 1948	11 & 12 Geo. 6. c. 64.
Consolidation of Enactments (Procedure) Act, 1949	12, 13 & 14 Geo. 6. c. 33.
Auxiliary and Reserve Forces Act, 1949... ...	12, 13 & 14 Geo. 6. c. 96.
Justices of the Peace Act, 1949	12, 13 & 14 Geo. 6. c. 101.
Reserve and Auxiliary Forces (Training) Act, 1951	14 & 15 Geo. 6. c. 23.
Magistrates' Courts Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 55.

CHAPTER 51

Monopolies and Restrictive Practices Commission Act, 1953

ARRANGEMENT OF SECTIONS

Section
1. Chairman and deputy chairmen of Commission.
2. Exercise of functions of Commission by groups of members.
3. Expenses.
4. Short title, citation and construction.

SCHEDULES:

First Schedule.—Pensions and Other Benefits for Chairman and Deputy Chairmen of Commission.

Second Schedule.—Supplementary Provisions relating to s. 2.

An Act to make provision for a chairman and deputy chairmen of the Monopolies and Restrictive Practices Commission, and for the tenure of office and superannuation benefits of the chairman and deputy chairmen thereof; to enable functions of the Commission to be exercised by groups of its members; and for purposes connected with the matters aforesaid.

[29th October 1953.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Chairman and deputy chairmen of Commission.

1.—(1) The Board of Trade shall appoint one of the members of the Monopolies and Restrictive Practices Commission (hereinafter referred to as "the Commission") to be chairman of the Commission and may appoint not more than three of the other members to be deputy chairmen thereof.

(2) The chairman or any deputy chairman of the Commission appointed under this section shall (save as hereinafter provided) vacate office on the completion of the year of service in the course of which he attains the age of seventy years, and may resign his office at any earlier time by notice in writing to the Board of Trade; and the chairman or any deputy chairman shall be removable by the Board of Trade if in the opinion of the Board he becomes incapable of performing his duties as such or on the ground of misbehaviour:

Provided however that the Board of Trade may by notice in writing given to the chairman or any deputy chairman not less than one month nor more than twelve months before he would otherwise under the foregoing provisions of this subsection have vacated office extend his term of service for a further period not exceeding two years and that such an extension may from time to time by notice similarly given be renewed for one or more successive periods none of which shall exceed two years.

(3) At any time when the chairman of the Commission is absent or otherwise incapable of acting, or there is a vacancy in the office of chairman,—

(*a*) such one of the deputy chairmen as the Board of Trade may direct or in default of any such direction such one of them as they may agree, or

(*b*) if there is then only one deputy chairman of the Commission, the deputy chairman,

may exercise any of the functions of chairman of the Commission

(4) At any time when every person who is chairman or deputy chairman of the Commission is absent or otherwise incapable of acting, or there is no such person, such member of the Commission as the Board of Trade may direct, or in default of any such direction such member of the Commission as the Commission may agree, may exercise any of the functions of chairman of the Commission.

(5) The provisions of the First Schedule to this Act shall have effect as to pensions and other benefits payable to or in respect of a person who has held the office of chairman or deputy chairman of the Commission.

(6) Subsection (3) of section one of the Monopolies and Restrictive Practices (Inquiry and Control) Act, 1948 (hereinafter referred to as "the principal Act") shall not apply to the chairman or a deputy chairman of the Commission appointed under this Act, and subsection (4) of the said section one is hereby repealed, but without prejudice to any direction thereunder having effect immediately before the passing of this Act. 11 & 12 Geo. 6. c. 66.

Exercise of functions of Commission by groups of members.

2.—(1) For the purpose of enabling the functions of the Commission to be exercised, in accordance with the following provisions of this section, in relation to different matters by separate groups of members of the Commission working at the same time, the maximum number of the members of the Commission shall be increased to twenty-five; and accordingly in subsection (2) of section one of the principal Act for the word "ten" there shall be substituted the words "twenty-five".

(2) On any reference to the Commission made, whether before or after the passing of this Act, under section two or twelve of the principal Act (which relate respectively to investigation as to the prevalence of conditions to which the principal Act applies and as to the extent to which recommendations for dealing with such conditions have been carried out) the investigation of the matter or question referred to the Commission shall, if the chairman of the Commission so directs, be made or (if any stage of the investigation has been begun before the direction is given) continued, and the report on the said matter or question made, by a group of not less than five members of the Commission selected by the chairman.

(3) Where, whether before or after the passing of this Act, a report has been required from the Commission under section fifteen of the principal Act (which empowers the Board of Trade to require from the Commission reports on the general effect on the public interest of practices of a specified class) the report shall if the chairman of the Commission so directs be made by such a group as aforesaid.

(4) The chairman of the Commission may appoint one of the members of any such group as aforesaid to act as chairman of the group.

(5) Where during the proceedings of any such group as aforesaid any member of the group ceases to be a member of the Commission, or the chairman of the Commission is satisfied that any member of the group will be unable for a substantial period to perform his duties as such, the chairman may appoint another member of the Commission to act in his place.

(6) Where a person is appointed to be a member of the Commission during the proceedings of any such group as aforesaid, the chairman of the Commission may appoint him to be a member of the group.

(7) Notwithstanding anything in the foregoing provisions of this section, at the invitation of the chairman of any such group as aforesaid any member of the Commission who is not a member of the group may attend meetings and otherwise take part in the proceedings of the group, so, however, that he shall not vote on any matter or question considered by the group; and nothing in the foregoing provisions of this section shall be taken as preventing any such group, or any member thereof, from consulting any other member of the Commission with respect to any matter or question with which the group is concerned.

(8) The provisions of the Second Schedule to this Act shall have effect for the purposes of this section, and in particular as to the application of the principal Act and other enactments to such groups as aforesaid and the proceedings thereof.

Expenses.

3. There shall be paid out of moneys provided by Parliament—

(*a*) any increase attributable to this Act in the sums payable out of such moneys under subsection (6) of section one of the principal Act.

(*b*) any pension, lump sum, or widow's or children's pension payable by virtue of the First Schedule to this Act.

Short title, citation and construction.

4.—(1) This Act may be cited as the Monopolies and Restrictive Practices Commission Act, 1953.

(2) The principal Act and this Act may be cited together as the Monopolies and Restrictive Practices Acts, 1948 and 1953.

(3) This Act shall be construed as one with the principal Act.

SCHEDULES

Sections 1, 3.

FIRST SCHEDULE

PENSIONS AND OTHER BENEFITS FOR CHAIRMAN AND DEPUTY CHAIRMEN OF COMMISSION

1.—(1) The Board of Trade may from time to time make to the Treasury, as respects any holder of the office of chairman or deputy chairman of the Commission, a recommendation that the Treasury shall pay to him an annual sum by way of superannuation allowance on his retirement after not less than five years' relevant service:

Provided that no such allowance shall be payable if the person to whom the recommendation relates (hereinafter referred to as " the pensioner ") retires before attaining the age of sixty-five years unless the Board are satisfied by means of a medical certificate that at the time of his retirement he was, by reason of infirmity of mind or body, incapable of performing the duties of his office and that the incapacity is likely to be permanent.

1ST SCH. —*cont.*

(2) The said annual sum shall be a sum not exceeding the proportion of the pensioner's last annual salary which in the following table corresponds with the number of the pensioner's completed years of relevant service.

Years of relevant service	*Fraction of salary*
5	Ten-fortieths
6	Eleven-fortieths
7	Twelve-fortieths
8	Thirteen-fortieths
9	Fourteen-fortieths
10	Fifteen-fortieths
11	Sixteen-fortieths
12	Seventeen-fortieths
13	Eighteen-fortieths
14	Nineteen-fortieths
15 or more	Twenty-fortieths

(3) The decision of the Treasury shall be final on any question arising as to—

(*a*) the amount of any superannuation allowance under this paragraph, or

(*b*) the reckoning of any service for the purpose of calculating such an allowance.

2. Sections two to eight of the Administration of Justice (Pensions) Act, 1950 (which provide for the payment of lump sums on retirement or death, and of widows' or children's pensions, in the case of persons eligible for pensions for service in any of the capacities listed in the First Schedule to that Act) shall have effect as if— 14 & 15 Geo. 6. c. 11.

(*a*) the capacity of chairman and of deputy chairman of the Commission were listed in the First Schedule to that Act, and

(*b*) in relation to those capacities the expression "relevant service" in the said provisions of the said Act of 1950 had the same meaning as in this Schedule,

and section seventeen of the said Act of 1950 (which provides that the grant under that Act of a lump sum or a widows' or children's pension conditional on eligibility for a pension requiring the recommendation of a Minister shall require the like recommendation) shall have effect as if the expression "Minister" included the Board of Trade.

3.—(1) In this Schedule the expression "relevant service" means—

(*a*) in relation to the chairman of the Commission, service as chairman or deputy chairman of the Commission or pensionable service in any such other capacity under the Crown as may be prescribed,

(*b*) in relation to a deputy chairman of the Commission, service as deputy chairman of the Commission or pensionable service in any such other capacity under the Crown as may be prescribed.

(2) In this paragraph the expression "pensionable service" means service reckonable for any pension, superannuation or other retiring allowance, or gratuity.

1ST SCH. —*cont.*

(3) In this paragraph the expression " prescribed " means prescribed by regulations made by the Treasury by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament; and regulations under this paragraph—

(*a*) may be made generally or subject to specified exceptions or in relation to specified cases or classes of case;

(*b*) may provide that in calculating relevant service either the whole of a person's prescribed service of any description shall be taken into account or such part thereof only as may be determined by or under the regulations;

(*c*) may make different provision for different cases or classes of case.

Section 2.

SECOND SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO S. 2

12, 13 & 14 Geo. 6. c. 87.

1.—(1) Subject to the provisions of this paragraph, the principal Act and sections forty and forty-three of the Patents Act, 1949 (which relate to the compulsory modification of conditions in licences granted under a patent and the compulsory grant of such licences where, amongst other things, the Commission have reported that the conditions to which the principal Act applies prevail in relation to patented goods and processes) shall apply in relation to a report made by a group in pursuance of section two of this Act as they apply in relation to a report of the Commission.

(2) For the purposes of section ten of the principal Act (which confers power on a competent authority to take action in consequence of a report of the Commission) and of sections forty and forty-three of the Patents Act, 1949, a conclusion contained in a report made as aforesaid shall be disregarded if it is not the conclusion of at least two-thirds of the members of the group.

2.—(1) Without prejudice to the provisions of sub-paragraph (2) of the foregoing paragraph, the quorum necessary for any meeting of a group in pursuance of section two of this Act shall be such as the group may from time to time determine.

(2) In the case of an equality of votes on any question at any such meeting of a group, the person acting as chairman at the meeting shall have a second or casting vote.

3. Subsection (3) of section three of the principal Act (which confers on the Commission power to distinguish between different forms of supply of goods) shall apply in relation to a group acting in pursuance of subsection (2) of section two of this Act as it applies in relation to the Commission.

4. Where under section six of the principal Act the Board of Trade vary any reference of a matter to the Commission for investigation or report (whether the variation is made by virtue of subsection (4) of the said section six or of that subsection as extended by subsection (5) thereof), and before the variation was made the chairman of the Commission has directed that the investigation or further investigation and the report on the reference is to be made by a group, the

2ND SCH. —*cont.*

investigation and report on the reference as varied shall be made either by that group or by another group or by the Commission as the chairman may direct.

5. Without prejudice to the generality of paragraph 1 of this Schedule, section seven of the principal Act (which prescribes the duties of the Commission on a reference) shall apply in relation to a group acting in pursuance of subsection (2) of section two of this Act as it applies in relation to the Commission.

6. Section eight of the principal Act (which contains provision as to the procedure and powers of the Commission on a reference) shall apply in relation to a group acting in pursuance of subsection (2) of section two of this Act as it applies in relation to the Commission:

Provided that the functions of the group under the said section eight shall be exercised subject to any specific or general directions which may from time to time be given by the Commission and subject to any general direction given to the Commission by the Board of Trade under subsection (6) of the said section eight.

7. Section seventeen of the principal Act (which contains restrictions on disclosure of information) shall apply as if references therein to the Commission included references to a group acting in pursuance of section two of this Act.

8. Subsection (3) of section twenty of the principal Act (which provides for the Commission's applying such criteria as appear to them most suitable in all the circumstances for determining whether goods amount to at least one-third of all goods of a given description) shall apply in relation to a group acting in pursuance of subsection (2) of section two of this Act as it applies in relation to the Commission.

CHAPTER 52

Enemy Property Act, 1953

ARRANGEMENT OF SECTIONS

PART I

GENERAL PROVISIONS AS TO ENEMY PROPERTY AND PROPERTY TREATED AS ENEMY PROPERTY

Section
1. Circumstances in which ss. 2 and 3 are to apply.
2. Provisions as to making of certain payments and withholding of payments.
3. Provisions as to other dealings with property.
4. Income from moneys invested by custodian.
5. Interpretation of Part I and provisions as to evidence.

PART II

SPECIAL PROVISIONS AS RESPECTS GERMANY

6. Infringements of copyright.
7. Infringements of patents and registered designs.
8. Crown use of patented inventions and registered designs.
9. Disclosure of information about inventions, etc., in breach of contract.
10. Property allocated by way of reparation from Germany.
11. Other property seized from Germany.
12. Meaning of " German enemy " and " German enemy interest ".
13. Interpretation of Part II.