MONOPOLIES AND RESTRICTIVE PRACTICES

The Monopolies and Restrictive Practices (Dental Goods) Order, 1951

1951 No. 1200

Made - - - - 2*nd July*, 1951*
Coming into Operation 30*th July*, 1951

M.H. 31

Whereas by a reference dated the 1st March 1949 made by the Board of Trade by virtue of the powers conferred upon them by section 2 of the Monopolies and Restrictive Practices (Inquiry and Control) Act, 1948(a), the supply of dental goods was referred to the Monopolies and Restrictive Practices Commission for investigation and report:

And Whereas the Commission in a report dated the 3rd November 1950 and laid before Parliament on the 1st December 1950 have reported that the conditions to which the Act applies prevail as respects the supply of dental goods and that certain things done as a result of or for the purpose of preserving those conditions may be expected to operate against the public interest;

And Whereas under section 10 of the Monopolies and Restrictive Practices (Inquiry and Control) Act, 1948, when certain conditions have been fulfilled any competent authority may make an order under that section:

Now therefore by virtue of the powers conferred upon them by the said section 10 the Minister of Health and the Secretary of State for Scotland, acting jointly, hereby make the following order:—

1. This Order may be cited as the Monopolies and Restrictive Practices (Dental Goods) Order, 1951, and shall come into operation on the twenty-eighth day after the day on which the Order is made.

2.—(1) In this Order, unless the context otherwise requires, the expression "agreement" includes any agreement or arrangement, whether or not (apart from this Order) it would be legally enforceable, and the expression "dental goods" means instruments, appliances, equipment, apparatus, materials or accessories (including artificial teeth) manufactured or supplied for use in dentistry.

(2) The Interpretation Act, 1889(b), applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3.—(1) This Article applies to any agreement between two or more persons carrying on business in the United Kingdom as suppliers of dental goods which provides for requiring the parties to the agreement or any of them, either absolutely or to such extent or in such circumstances as may be specified or described by the agreement or determined in accordance therewith, to withhold from any persons so specified, described or determined supplies of dental goods or any description thereof or orders for such supplies,

* A draft of this Order was approved by resolution of the House of Commons, 20th June, 1951 and the House of Lords, 26th June, 1951, in accordance with section 10 (7) of the Monopolies and Restrictive Practices (Inquiry and Control) Act, 1948.

(a) 11 & 12 Geo. 6. c. 66. (b) 52 & 53 Vict. c. 63.

or only to provide such supplies or give such orders to those persons on terms and conditions which are less favourable than those applicable in the case of other persons.

(2) It shall be unlawful to make or carry out any agreement to which this Article applies, if that agreement is intended or likely to have the effect of limiting the number of persons carrying on business in the United Kingdom as suppliers of dental goods or any description thereof.

(3) In considering any question under the last preceding paragraph, regard shall be had not only to the terms of the agreement but also to the surrounding circumstances and, in particular, the circumstances in the dental goods trade.

(4) It shall be unlawful to make or carry out any agreement to which this Article applies, if that agreement provides for securing that the prices at which dental goods or any description thereof are sold by retail in the United Kingdom are not less than those fixed in accordance with, or in a manner contemplated by, the agreement.

(5) Paragraphs (2) and (4) of this Article, so far as they relate to the carrying out of agreements, shall apply to agreements made before this Order comes into operation and to any other agreements the making of which was not unlawful at the time when they were made:

Provided that the said paragraphs shall not make it unlawful to carry out any provisions contained in such an agreement as aforesaid, being provisions the carrying out of which would, if they were contained in a separate agreement, not be unlawful under those paragraphs.

(6) It shall be unlawful for any person to procure the making or carrying out of any agreement the making or carrying out of which is unlawful by virtue of this Article.

4. It shall be unlawful for any person to procure any other person to withhold or agree to withhold or threaten to withhold dental goods from any supplier of dental goods on the ground that that supplier has sold dental goods by retail in the United Kingdom at a price less than the price indicated to him by the person who supplied the goods to him or by some other person.

5.—(1) It shall not be unlawful under this Order to make or carry out—

(*a*) an agreement between a particular supplier of dental goods (whether an individual, a partnership or a body corporate) and the purchaser of those goods and to which no other persons are parties, or

(*b*) an agreement under which a licence is granted by the proprietor of a patent or trade mark (not being a certification trade mark) for the manufacture or sale of dental goods and to which no persons other than the proprietor or licensee are parties,

by reason that the agreement requires the purchaser or licensee to withhold goods to which the agreement or licence relates from a person on the ground that that person has sold dental goods supplied to him by one of the parties to the agreement at a price less than that indicated to him by one of those parties, or has refused to give an undertaking not to sell such goods at a price less than a price so indicated.

(2) Nothing in this Order shall affect any agreement to which the only parties are two or more inter-connected bodies corporate (within the meaning

of the Monopolies and Restrictive Practices (Inquiry and Control) Act, 1948), or two or more persons carrying on business in partnership with each other.

Given under the official seal of the Minister of Health this second day of July, nineteen hundred and fifty-one.

(L.S.) *H. A. Marquand,*
Minister of Health.

Given under the Seal of the Secretary of State for Scotland this second day of July, nineteen hundred and fifty-one.

(L.S.) *Hector McNeil,*
Secretary of State for Scotland.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order renders unlawful certain kinds of agreement which may be described broadly as those relating to the collective enforcement of resale prices in respect of dental goods, and those the effect of which is to restrict the number of persons carrying on business as suppliers of dental goods. The Order leaves untouched the right of an individual to fix and maintain retail prices in respect of goods which he supplies.

NATIONAL ASSISTANCE

The National Assistance (Adaptation of Enactments) Regulations, 1950

1951 No. 174

Made - - - - *23rd November,* 1950
Coming into Operation *8th February,* 1951*

M.H. 110480.

The Minister of Health and the Secretary of State, in exercise of the powers conferred on them by subsection (2) of section 62 of the National Assistance Act, 1948(**a**), and of all other powers enabling them in that behalf, hereby make the following regulations:—

1.—(1) These regulations may be cited as the National Assistance (Adaptation of Enactments) Regulations, 1950, and shall come into operation on the fourteenth day after the day on which they were approved by Parliament.

(2) The Interpretation Act, 1889(**b**), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

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* These regulations were approved by Resolution of the House of Lords, 13th December, 1950, and the House of Commons, 25th January, 1951, in accordance with section 62 (4) of the National Assistance Act, 1948.

(a) 11 & 12 Geo. 6. c. 29. (b) 52 & 53 Vict. c. 63.