RESTRICTIVE TRADE PRACTICES

1960 No. 1211

The Monopolies and Restrictive Practices (Imported Hardwood and Softwood Timber) Order, 1960

Laid before Parliament in draft
Made - - - - 18*th July*, 1960
Coming into Operation 8*th August*, 1960

Whereas the Monopolies and Restrictive Practices Commission, on a reference under subsection (1) of section 2 of the Monopolies and Restrictive Practices (Inquiry and Control) Act, 1948(a), made a Report on the 23rd July, 1953, which was laid before each House of Parliament on the 20th October, 1953, and found that the principal practice which concerned them in relation to the supply of timber from abroad was the maintenance of Approved Lists (drawn up for each type of timber and administered by committees representing importers and agents dealing therewith), supported by agreements and undertakings (which insofar as they relate to softwood and hardwood are more particularly set out in Appendix (ix) and Appendix (x) respectively to the said Report and are hereinafter called " the original arrangements ") under which—

(*a*) importers on the Lists undertook to buy only through agents on the Lists, and

(*b*) agents on the Lists undertook to negotiate sales only with importers on the Lists:

And Whereas the said Commission also found (b), that the original arrangements operated against the public interest and recommended that they should be abrogated and should not be replaced by any other arrangements or undertakings having similar effects:

And Whereas in March, 1954 an undertaking or assurance was given to the Minister of Materials that effect would be given to the recommendation of the Commission:

And Whereas the Monopolies Commission, on a reference under section 12 of the said Act of 1948, made a Report on the 24th July, 1958, which was laid before Parliament on the 31st July, 1958, and found that as respects hardwood timber and softwood timber the original arrangements had been replaced by other arrangements of which the effects were similar to the effects of the original arrangements:

And Whereas by subsection (4) of section 30 of the Restrictive Trade Practices Act, 1956(c), it is provided that where before the commencement of that Act any undertaking or assurance has been given to a competent authority within the meaning of section 10 of the said Act of 1948 and the undertaking or assurance is not complied with, an Order may be made under the said section 10 to the like effect as the undertaking or assurance:

And Whereas by virtue of subsection (2) of section 1 of, and the Schedule to, the Ministry of Materials Act, 1951(d), the Minister of Materials was a competent authority for the purposes of the said section 10 when the hereinbefore-recited undertaking or assurance was given:

(a) 11 & 12 Geo. 6. c. 66. (b) Paragraph 301 on page 77 of the Report of the Monopolies and Restrictive Practices Commission on the Supply of Imported Timber.
(c) 4 & 5 Eliz. 2. c. 68. (d) 14 & 15 Geo. 6. c. 42.

And Whereas a draft of this Order has been approved by resolution of each House of Parliament:

Now, Therefore, the Board of Trade, in exercise of the powers conferred upon them by section 10 of the Monopolies and Restrictive Practices (Inquiry and Control) Act, 1948, as having effect subject to the provisions of section 30 of the Restrictive Trade Practices Act, 1956, hereby order as follows:—

1.—(1) This Order may be cited as the Monopolies and Restrictive Practices (Imported Hardwood and Softwood Timber) Order, 1960.

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

(3) This Order shall come into operation on the 8th day of August, 1960.

2.—(1) It shall be unlawful for any person to make or carry out any agreement or arrangement relating to the supply of imported hardwood timber or imported softwood timber having effects similar to the original arrangements.

(2) Paragraph (1) of this Article, so far as it relates to the carrying out of agreements or arrangements, shall apply to agreements and arrangements made before this Order comes into operation:

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

3. Nothing in this Order shall affect any agreement or arrangement to which the only parties are two or more interconnected bodies-corporate (within the meaning of the said Act of 1948) or two or more persons carrying on business in partnership with each other.

4. In this Order—

"hardwood timber" means timber of non-coniferous trees;

"softwood timber" means timber of coniferous trees.

Dated this 18th day of July, 1960.

John Rodgers,
Parliamentary Secretary to the
Board of Trade.

EXPLANATORY NOTE

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

The Monopolies Commission, in their Report on the Supply of Imported Timber in 1953, found that agreements and undertakings by traders on certain approved lists to deal only with each other operated against the public interest and recommended that they should be abrogated and should not be replaced by other arrangements or undertakings having similar effects. This Order renders unlawful the making or carrying out of any agreements or arrangements relating to the supply of imported hardwood timber or imported softwood timber insofar as they have such similar effects.

(a) 52 & 53 Vict. c. 63.