STATUTORY INSTRUMENTS

1983 No. 900

PROTECTION OF TRADING INTERESTS

The Protection of Trading Interests (US Antitrust Measures) Order 1983

Made - - - -	23*rd June* 1983
Laid before Parliament	24*th June* 1983
Coming into Operation	27*th June* 1983

Whereas it appears to the Secretary of State that the measures to which this Order relates have been taken by or under the law of the United States of America ("the United States") for regulating or controlling international trade and that those measures, in so far as they apply to things done or to be done outside the territorial jurisdiction of the United States by persons carrying on business in the United Kingdom, are damaging or threaten to damage the trading interests of the United Kingdom:

Now therefore the Secretary of State, in exercise of his powers under section 1(1) 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.—(1) This Order may be cited as the Protection of Trading Interests (US Antitrust Measures) Order 1983 and shall come into operation on 27th June 1983.

(2) In this Order—

"the Bermuda 2 Agreement" means the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States signed at Bermuda on 23rd July 1977, concerning air services(**b**);

"air service" and "tariff" shall be construed in accordance with the Bermuda 2 Agreement;

"UK designated airline" means a British airline (within the meaning of section 4(2) of the Civil Aviation Act 1982(**c**)) designated by the Government of the United Kingdom under the Bermuda 2 Agreement.

2.—(1) The Secretary of State hereby directs that section 1 of the 1980 Act shall apply to sections 1 and 2 of the United States' Sherman Act(**d**) and sections 4 and 4A of the United States' Clayton Act (**e**) in their application to the cases described in the following paragraph.

(2) The cases mentioned in paragraph (1) of this Article are:

(i) an agreement or arrangement (whether legally enforceable or not) to which a UK designated airline is a party,

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(**a**) 1980 c.11.
(**b**) Cmnd. 7016, as amended: *see* Cmnd. 7332, 7862 and 8222.
(**c**) 1982 c.16.
(**d**) United States' Act of July 2, 1890, as amended; 15 U.S.C.A. §§ 1–2.
(**e**) United States' Act of October 15, 1914, as amended; 15 U.S.C.A. §§ 15–15a.

(ii) a discussion or communication to which a UK designated airline is a party,

(iii) any act done by a UK designated airline,

which, in respect of each case, concerns the tariffs charged or to be charged by any such airline or otherwise relates to the operation by it of an air service authorised pursuant to the Bermuda 2 Agreement.

Paul Channon,
Minister for Trade,
Department of Trade and Industry.

23rd June 1983.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order applies section 1 of the Protection of Trading Interests Act 1980 to sections 1 and 2 of the United States' Sherman Act and sections 4 and 4A of the United States' Clayton Act in cases where United Kingdom airlines designated under the Bermuda 2 Agreement concerning air services are parties to agreements, or other acts, concerning tariffs or which otherwise relate to the operation of an air service authorised under the Bermuda 2 Agreement.

Where section 1 of the 1980 Act is applied the Secretary of State may require persons in the United Kingdom who carry on business there *(a)* to notify him of any requirements or prohibitions imposed or threatened to be imposed on them pursuant to the measures to which section 1 has been applied; and *(b)* not to comply with any such requirement or prohibition—(section 1(2) and (3) of the 1980 Act).

Copies of the relevant sections of the United States' Sherman and Clayton Acts may be inspected on application at the Department of Trade and Industry.

SI 1983/900
ISBN 0-11-036900-9

