STATUTORY INSTRUMENTS

1984 No. 392

RESTRICTIVE TRADE PRACTICES

The Registration of Restrictive Trading Agreements Regulations 1984

Made - - - -	20*th March* 1984
Laid before Parliament	28*th March* 1984
Coming into Operation	18*th April* 1984

The Director General of Fair Trading (in these regulations referred to as "the Director") in exercise of the powers conferred on him by sections 23 and 27 of the Restrictive Trade Practices Act 1976(**a**), (in these regulations referred to as the "the Act"), hereby makes the following regulations:—

Citation, commencement, revocation and interpretation

1.— (1) These regulations may be cited as the Registration of Restrictive Trading Agreements Regulations 1984 and shall come into operation on 18th April 1984.

(2) The Registration of Restrictive Trading Agreements Regulations 1976(**b**) are hereby revoked.

(3) In these regulations—

"agreement", except in regulation 3, means an agreement subject to registration under the Act and includes an agreement so subject by virtue of the application of the Act by or under any other enactment; and

"association" means an association as defined in section 16(1) of the Act or a trade association within the meaning of section 43(1) of the Act.

Furnishing of particulars of agreements

2.— (1) Subject to the following provisions of these regulations, a person furnishing particulars of an agreement to the Director pursuant to section 24 of the Act shall send or deliver to him within the time specified in Schedule 2 to the Act for furnishing those particulars the documents mentioned in paragraph (2) below.

(**a**) 1976 c.34.
(**b**) S.I. 1976/183.

(2) The documents to be sent or delivered pursuant to paragraph (1) are—

(a) two copies of any document setting out the terms of the agreement so far as they are in writing;

(b) where the agreement or part of it is not in writing, two copies of a memorandum in writing signed by the person furnishing particulars and setting out the terms thereof or such of the terms thereof as are not in writing, as the case may be.

(3) Where the documents sent or delivered pursuant to paragraph (1) above do not disclose the name and the address of any person party to the agreement, there shall also be sent or delivered therewith two copies of a document indicating that person's name and address:

Provided that this paragraph shall not require the name or address of any of them to be provided if their number exceeds 100 and there is sent or delivered with the documents sent or delivered pursuant to the said paragraph 1 two copies of a document indicating their number or their approximate number.

(4) A least one of the copies of any document mentioned in paragraph (2)*(a)* or (3) above shall be signed by, or identified by the signature of, the person furnishing particulars.

(5) In relation to an agreement in which a term is to be implied by virtue of section 8(2) and (3), section 8(4) and (5) or section 16(2) and (3) of the Act (specific recommendations to members of associations) references in this regulation to the terms of an agreement include references to the terms of any relevant recommendations.

Newly registrable agreements varied before registration

3. In the case of an agreement becoming subject to registration by virtue of an order made under section 7 of the Act (information agreements relating to goods) or Part III of the Act (agreements relating to services) which was made before the commencement of the relevant order and is varied not later than three months after such commencement but before particulars of the agreement are furnished to the Director, regulation 2(2) above shall have effect—

(a) in a case where the original agreement was in writing, as if it referred to two copies of the original agreement incorporating the variations; or

(b) in a case where the original agreement was not in writing, as if it referred to two copies of a memorandum signed by the person furnishing particulars and setting out the agreement as varied.

Common form agreements

4.— (1) Where particulars of an agreement are being or have been furnished to the Director pursuant to section 24 of the Act and a person party thereto is also party to other agreements differing therefrom only as respects the other party thereto or the date of making, it shall be a sufficient compliance with regulation 2 in relation to those other agreements to send or deliver to the Director two copies of a memorandom which—

(a) refers to the agreement of which the particulars are being or have been furnished;

(b) indicates the dates of the other agreements and the names and addresses of the parties thereto; and

(c) states that those agreements are otherwise identical to the agreement of which particulars are being or have been furnished.

(2) At least one of the copies of a memorandum sent or delivered pursuant to paragraph (1) above shall be signed by the person furnishing particulars.

(3) The proviso to regulation 2(3) above shall apply in relation to paragraph (1)*(b)* above as it applies in relation to the said regulation 2(3).

Extent of the obligation to furnish particulars of variations of agreements

5. The obligation to furnish particulars of any variation of an agreement to the Director pursuant to section 24 of the Act shall apply only to variations whereby—

(a) a further restriction is accepted by one or more of the parties or

(b) a restriction ceases to have effect; or

(c) the application of an existing restriction is extended or reduced as regards the areas or places or the classes of persons, goods, processes of manufacture or services to which it relates; or

(d) so far as restrictions are accepted as to the terms or conditions on which goods are to be supplied or acquired or any process of manufacture is to be applied to goods or any designated service is to be supplied or obtained, the terms or conditions are varied.

Furnishing of particulars of the variation or determination of an agreement

6.— (1) A person furnishing particulars of the variation or determination of an agreement to the Director pursuant to section 24 of the Act shall send or deliver to him within the time specified in Schedule 2 to the Act for furnishing those particulars the documents hereinafter specified.

(2) The documents to be sent or delivered pursuant to paragraph (1) above are—

(a) in a case where the variation or determination is effected by an instrument in writing, two copies of the instrument;

(b) in a case where the variation or determination is not effected by an instrument in writing, two copies of a memorandum in writing signed by the person furnishing particulars and setting out complete particulars of the variation or determination.

(3) At least one of the copies of any document mentioned in paragraph (2)*(a)* above shall be signed by, or identified by the signature of, the person furnishing particulars.

Certificate of particulars

7. A person sending or delivering documents to the Director in accordance with these regulations shall send or deliver therewith a certificate signed by him or on his behalf in the form set out in the Schedule hereto and completed as therein indicated.

Contents of the register

8.— (1) The particulars of agreements which shall be entered or filed in the register shall be—

(a) copies of the documents duly sent or delivered to the Director pursuant to these regulations;

(b) any documents or information obtained by him under sections 36 or 37 of the Act; and

(c) any other particulars which any party to an agreement may furnish to him and which the Director thinks it appropriate to include in the register.

(2) Nothing in paragraph (1) above shall apply to any details as to parties or other persons, prices, terms or other matters as are material for the purpose only of defining the particular application from time to time of a continuing restriction accepted under an agreement of which particulars are entered or filed in the register, being details which the Director considers it unnecessary to enter or file therein.

The special section of the register

9.— (1) There shall be maintained a special section of the register which shall not be open to public inspection.

(2) There shall be entered or filed in the special section such particulars described in section 23(3) of the Act (information the publication of which may be contrary to the public interest or information of a specified nature the publication of which may substantially damage legitimate business interests) as the Secretary of State may by virtue of that subsection direct.

(3) Where particulars are being furnished to the Director by a person who considers that any of them should be included in the special section of the register he shall send or deliver therewith a signed memorandum indicating the particulars in question and the grounds on which he considers that they should be included in that section.

Public inspection of the register

10. The public section of the register shall be open to public inspection between 10.00 am and 4.30 pm except on Saturdays, Sundays and official holidays on which the Office of Fair Trading is closed.

Addressing of documents

11. Any documents to be sent or delivered to the Director pursuant to these regulations shall be addressed to—

The Office of Fair Trading
(RTP Registration)
Field House
Bream's Buildings
London EC4 1PR

Application for extension of time for furnishing particulars

12.— (1) Any application to the Director for further time for furnishing any particulars in relation to any agreement beyond the time specified in Schedule 2 to the Act shall be made in writing within the time so specified.

(2) Any such application shall—

(a) identify the agreement to which it relates;

(b) indicate the further time requested; and

(c) state why it is impracticable to furnish particulars within the time so specified.

Gordon Borrie,
20th March 1984. Director General of Fair Trading.

SCHEDULE Regulation 7

FORM OF CERTIFICATE

Form RTP (C)

Restrictive Trade Practices Act 1976

Office of Fair Trading

Certificate

to accompany documents for registration

IMPORTANT

If you do not submit the details of agreements to the Director General of Fair Trading within the time limits laid down by the Act the restrictions in them will become void. If you are in any doubt about timing you should consult your legal adviser **before** entering into an agreement which might be registrable under the Act.

Notes for guidance

1 The Registration of Restrictive Trading Agreements Regulations 1984 set out more fully how to give the details of agreements for registration.

2 All the parties to a registrable agreement are responsible for giving details of the agreement to the Office of Fair Trading. But it is enough if one of the parties - or someone on their behalf - does so. The person giving details must complete and sign the Certificate (opposite).

3 Two copies of all the documents which together make up the agreement should accompany the Certificate.

4 If the agreement is not in writing you should provide two copies of a memorandum setting out all the terms of the agreement. If part of the agreement is not in writing you should provide two copies of a memorandum setting out the unwritten terms of the agreement together with two copies of the written part of the agreement.

5 You should provide a list of names and addresses of all parties to the agreement. But there is an exception for agreements to which trade associations or service supply associations with more than 100 members are parties. In these cases you can omit names and addresses and list only the number or approximate number of members of the association.

6 Common form agreements are a series of almost identical agreements where one party remains the same. The only differences between the agreements are in the other parties and the dates on which the agreements were made. You need only provide full details of one agreement. For the rest you should provide memoranda giving the dates of other agreements as they are entered into and the names and addresses of the parties to them and stating that otherwise they are the same as the first agreement.

7 Where an agreement is altered or ended you should provide two copies of the document altering or ending the agreement. If the agreement is not altered or ended in writing, you should provide two copies of a memorandum setting out the changes.

8 Please list all the documents provided, including memoranda, on the back of the Certificate.

9 One copy of each document provided, including any memorandum, should be signed by the person who signs the Certificate.

10 When you have completed and signed the Certificate please detach it and send it with your documents to:

Office of Fair Trading
(RTP Registration)
Field House
Bream's Buildings
London EC4 1PR



Form RTP (C)

Restrictive Trade Practices Act 1976

Office of Fair Trading

Certificate

I certify that to the best of my knowledge the documents I enclose with this form give:

	tick box(es)
★ All the terms of an agreement subject to registration under the Restrictive Trade Practices Act 1976	☐
★ Full details of the changes to the agreement(s)	☐
Office of Fair Trading reference(s): _____	
★ full details of the ending of the agreement(s)	☐
Office of Fair Trading reference(s): _____	

The documents are listed on the other side of this form.
I have signed one copy of each document and/or memorandum.

Signed

_____
Name in BLOCK CAPITALS

_____
on behalf of

_____

_____

_____

_____
(a party to the above agreement)

Status and address of person signing

_____

_____

_____

_____
Dated

Please turn over

List of documents and/or memoranda

Please enclose **two** copies of each document and/or memorandum, **one** of which should be signed.

EXPLANATORY NOTE

(This Note is not part of the Regulations).

These Regulations relate to the furnishing of restrictive trading agreements to the Director General of Fair Trading in accordance with the Restrictive Trade Practices Act 1976 and to the keeping by him under that Act of a register of such agreements.

The regulations replace the Registration of Restrictive Trading Agreements Regulations 1976, which are revoked.

The changes introduced by these Regulations are:—

(a) subject as indicated below the 1976 Regulations are re-enacted under the Restrictive Trade Practices Act 1976 with minor textual amendments;

(b) the number of copies of any document, memorandum, agreement or instrument to be furnished is reduced from three to two;

(c) one form to cover all the circumstances in which the documents are required to be furnished to the Director General of Fair Trading is introduced in place of the four separate forms covering different sets of circumstances as appropriate previously required;

(d) the address for the delivery of particulars is altered.

SI 1984/392
ISBN 0-11-046392-7

