STATUTORY INSTRUMENTS

1966 No. 1420

RESTRICTIVE TRADE PRACTICES

The Restrictive Practices Court (Resale Prices) (Amendment) Rules 1966

Made - - - -	10*th November* 1966
Laid before Parliament	16*th November* 1966
Coming into Operation	1*st December* 1966

I, Gerald, Baron Gardiner, Lord High Chancellor of Great Britain, in exercise of the powers conferred on me by section 23 of the Restrictive Trade Practices Act 1956(**a**) and section 8 of the Resale Prices Act 1964(**b**), hereby make the following Rules :—

1.—(1) These Rules may be cited as the Restrictive Practices Court (Resale Prices) (Amendment) Rules 1966 and shall come into operation on 1st December 1966.

(2) The Interpretation Act 1889(**c**) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

(3) In these Rules a rule referred to by number means the rule so numbered in the Restrictive Practices Court (Resale Prices) Rules 1965(**d**).

2. In rule 10 after the words " the Registrar shall " where they first occur there shall be inserted the words " (except where rule 13 applies) " and for the words " 28 days' notice " there shall be substituted the words " 6 weeks' notice ".

3. In rule 11—

(*a*) for the words " directions with respect to the goods to be included in or excluded from the notice of reference " there shall be substituted the words " any directions under rule 12 " ;

(*b*) for the words " 7 days " there shall be substituted the words " 14 days " ; and

(*c*) at the end there shall be added the words " together with a copy of any affidavit on which he intends to rely, and shall file a copy of the notice and affidavit with the proper officer of the Court."

4. In rule 12(*c*) after the word " goods " there shall be inserted the words " or be divided into and treated as two or more separate notices each relating to such classes of goods as the Court may direct."

5. The following rule shall be substituted for rule 13—

" 13. It shall not be necessary for the Registrar to make a preliminary application for directions if—

(*a*) every registered supplier has notified the Registrar that he no longer claims exemption under section 5 of the Act in respect of the class of goods to which the notice of reference applies ; and

(*b*) no person has notified the Registrar under rule 9 of his wish to be represented before the Court in the proceedings."

(**a**) 1956 c. 68. (**b**) 1964 c. 58. (**c**) 1889 c. 63. (**d**) S.I. 1965/236 (1965 I, p. 586).

6. In rule 15 after the words "a representation order" there shall be inserted the words "on the hearing of the preliminary application for directions" and for the words "rule 13" there shall be substituted the words "rule 17A."

7. After rule 17 there shall be inserted the following rule—

"17A. An application for the making of a representation order (where no such order was made on the hearing of the preliminary application for directions) or for the revocation or modification of a representation order (whenever made) may be made at any time before the final hearing—

(*a*) by the Registrar; or

(*b*) by any respondent or any member of a class represented by a representative respondent,

and on the hearing of the application the Court may make any order which it could have made under rule 12(*b*) or, as the case may require, may revoke or modify the representation order, and shall give all such consequential directions as it considers necessary."

8. In rule 23(*a*) before the words "the notice of reference" there shall be inserted the words "a copy of".

9. The following rule shall be substituted for rule 24—

"24. If—

(*a*) before the expiration of the time limited for delivery of a statement of case every supplier who has entered an appearance notifies the Registrar that he no longer claims exemption under section 5 of the Act in respect of the classes of goods to which the notice of reference applies, or such of those classes as he may specify; or

(*b*) the time so limited has expired and every supplier who has delivered a statement of case either—

(i) in his statement of case claims exemption as aforesaid in respect of some but not all of the classes of goods to which the notice of reference applies; or

(ii) notifies the Registrar that he no longer claims exemption as aforesaid in respect of the said classes or such of them as he may specify,

the Registrar may apply to the Court for a declaration that it refuses to make an order under the said section 5 in respect of the classes of goods for which exemption is no longer claimed:

Provided that no application shall be made under this rule earlier than 28 days after the expiration of the time limited for entering an appearance by the supplier on whom a copy of the notice of reference was last served."

10. At the end of rule 37 there shall be added the words—

"so, however, that in its application to proceedings under the Act rule 82 of the principal Rules shall have effect as if there were inserted after the words "United Kingdom" the words "or at the address from which notice was given to the Registrar under section 6(2) of the Resale Prices Act 1964.""

Dated 10th November 1966.

Gardiner, C.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Restrictive Practices Court (Resale Prices) Rules 1965 so as (among other things) to dispense with the need for a preliminary application for directions by the Registrar of Restrictive Trading Agreements in cases where it is no longer sought to uphold resale price maintenance in respect of any of the classes of goods to which the notice of reference applies (rule 5); to make it clear that an application for a representation order may be made at any time before the final hearing (rule 7); and to enable the Registrar to apply summarily for a final order where the suppliers concerned notify him (whether before or after delivering a statement of case) that they no longer seek to uphold resale price maintenance in respect of some or all of the classes of goods in question (rule 9).