STATUTORY INSTRUMENTS

1969 No. 1534

MINISTERS OF THE CROWN

The Transfer of Functions (Monopolies, Mergers and Restrictive Trade Practices) Order 1969

Made - - - - - 29*th October* 1969

Laid before Parliament - - 29*th October* 1969

Coming into Operation - - 30*th October* 1969

At the Court at Buckingham Palace, the 29th day of October 1969

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 1 of the Ministers of the Crown (Transfer of Functions) Act 1946(a) and section 4 of the Ministers of the Crown Act 1964(b), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation, interpretation and commencement

1.—(1) This Order may be cited as the Transfer of Functions (Monopolies, Mergers and Restrictive Trade Practices) Order 1969.

(2) The Interpretation Act 1889(c) 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 30th October 1969.

Transfer of functions, and consequential transfer of rights and liabilities

2.—(1) The following functions of the Board of Trade, that is to say,—

(*a*) the functions under the Monopolies and Mergers Acts 1948 and 1965(d), together with any functions under section 40(3) of the Patents Act 1949(e); and

(a) 9 & 10 Geo. 6 c. 31. (b) 1964 c. 98. (c) 52 & 53 Vict. c. 63.
(d) 11 & 12 Geo. 6 c. 66 and 1965 c. 50, together with Part III of 4 & 5 Eliz. 2 c. 68, in part.
(e) 12, 13 & 14 Geo. 6 c. 87.

(*b*) the functions under Part I and section 31(1) of the Restrictive Trade Practices Act 1956(**a**) and functions under the Restrictive Trade Practices Act 1968(**b**) other than those as a competent authority for the purposes of section 2 of that Act;

are hereby transferred to the Secretary of State, and there are also transferred to him all rights and liabilities to which the Board of Trade is entitled or subject in connection with those functions at the coming into operation of this Order.

(2) In so far as any functions of the Board of Trade expressed to be transferred by this Article to the Secretary of State are, apart from the operation of this Order, exercisable concurrently with him, they shall cease to be exercisable by the Board of Trade; and references in this Order to functions transferred shall be construed accordingly.

(3) This Article as it applies to functions under section 40(3) of the Patents Act 1949 shall apply to any such functions of a competent authority other than the Board of Trade and the Secretary of State as it applies to functions of the Board of Trade, and in relation to those functions references in this Order to the Board of Trade shall apply also to any such competent authority.

Consequential amendments and repeal

3.—(1) In accordance with Article 2 above (but subject to Article 4 below)—

(*a*) in the Patents Act 1949, in section 40(3), for the words " a competent authority within the meaning of the said Act of 1948 " there shall be substituted the words " the Secretary of State "; and

(*b*) in the Agriculture Act 1967(**c**), in section 9(11), for the words " the President of the Board of Trade " there shall be substituted the words " the Secretary of State for Employment and Productivity "; and

(*c*) in the Restrictive Trade Practices Act 1968, in section 3(3), (4) and (6), for the words " Board of Trade or other competent authority " there shall be substituted the words " Secretary of State or other competent authority ".

(2) In the Monopolies and Mergers Act 1965(**d**), in Schedule 1, so much of paragraph 6 as follows sub-paragraph (*b*) is hereby repealed.

Supplemental

4.—(1) This Order shall not affect the validity of anything done by or in relation to the Board of Trade before the coming into operation of the Order; and anything which at the coming into operation of the Order is in process of being done by or in relation to the Board of Trade (including in particular any legal proceedings to which the Board is a party) may, if it relates to any functions, rights or liabilities transferred by this Order, be continued by or in relation to the Secretary of State.

(2) Any authorisation given (by way of approval or otherwise), requirement imposed or appointment made by the Board of Trade in connection with any functions transferred by this Order shall, if in force at the coming into operation of this Order, have effect as if given, imposed or made by the Secretary of State in so far as that is required for continuing its effect after the coming into operation of this Order.

(**a**) 4 & 5 Eliz. 2 c. 68. (**b**) 1968 c. 66. (**c**) 1967 c. 22.
(**d**) 1965 c. 50.

(3) Subject to any express amendment or repeal made by this Order, any enactment or instrument passed or made before the coming into operation of this Order shall have effect, so far as may be necessary for the purpose or in consequence of the transfers effected by this Order, as if any reference to the Board of Trade or to the department or an officer of the Board (including any reference which is to be construed as such a reference) were or included a reference to the Secretary of State or to his department or an officer of his, as the case may require.

W. G. Agnew.

EXPLANATORY NOTE

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

This Order transfers to the Secretary of State the functions of the Board of Trade relating to monopolies, mergers and restrictive trade practices.