



# Resale Prices Act 1976

## 1976 CHAPTER 53

### PART I

#### PROHIBITION OF COLLECTIVE RESALE PRICE MAINTENANCE

#### **1 Collective agreement by suppliers**

- (1) It is unlawful for any two or more persons carrying on business in the United Kingdom as suppliers of any goods to make or carry out any agreement or arrangement by which they undertake—
  - (a) to withhold supplies of goods for delivery in the United Kingdom from dealers (whether party to the agreement or arrangement or not) who resell or have resold goods in breach of any condition as to the price at which those goods may be resold ;
  - (b) to refuse to supply goods for delivery in the United Kingdom to such dealers except on terms and conditions which are less favourable than those applicable in the case of other dealers carrying on business in similar circumstances; or
  - (c) to supply goods only to persons who undertake or have undertaken—
    - (i) to withhold supplies of goods as described in paragraph (a) above; or
    - (ii) to refuse to supply goods as described in paragraph (b) above.
- (2) It is unlawful for any two or more such persons to make or carry out any agreement or arrangement authorising—
  - (a) the recovery of penalties (however described) by or on behalf of the parties to the agreement or arrangement from dealers who resell or have resold goods in breach of any such condition as is described in paragraph (a) of subsection (1) above ; or
  - (b) the conduct of any domestic proceedings in connection therewith.

## **2 Collective agreement by dealers**

- (1) It is unlawful for any two or more persons carrying on business in the United Kingdom as dealers in any goods to make or carry out any agreement or arrangement by which they undertake—
- (a) to withhold orders for supplies of goods for delivery in the United Kingdom from suppliers (whether party to the agreement or arrangement or not)—
    - (i) who supply or have supplied goods otherwise than subject to such a condition as is described in paragraph (a) of section 1(1) above; or
    - (ii) who refrain or have refrained from taking steps to ensure compliance with such conditions in respect of goods supplied by them ; or
  - (b) to discriminate in their handling of goods against goods supplied by such suppliers.
- (2) It is unlawful for any two or more such persons to make or carry out any agreement or arrangement authorising—
- (a) the recovery of penalties (however described) by or on behalf of the parties to the agreement or arrangement from such suppliers ; or
  - (b) the conduct of any domestic proceedings in connection therewith.

## **3 Recommendations**

It is unlawful for any person carrying on business in the United Kingdom as a supplier of or dealer in any goods to make to any other person carrying on such a business any recommendation to act in such a manner that, if there were an agreement between those persons so to act, the agreement would be unlawful by virtue of section 1 or section 2 above.

## **4 Associations**

Sections 1 to 3 above apply in relation to an association the members of which consist of or include persons carrying on business in the United Kingdom as suppliers of or dealers in any goods, or representatives of such persons, as they apply in relation to a person so carrying on business.

## **5 Exclusive dealing**

A contract for the sale of goods to which not more than two persons are party is not unlawful under this Part of this Act by reason only of undertakings by the purchaser in relation to the goods sold and by the vendor in relation to other goods of the same description.

## **6 Discounts and part exchanges**

For the purposes of this Part of this Act a condition—

- (a) as to the amount of discount which may be allowed on the resale of any goods, or
- (b) as to the price which may be paid on the resale of any goods for other goods taken by way of exchange,

shall be treated as a condition as to the price at which goods may be resold.

## **7 Hire-purchase agreements**

The provisions of Schedule 1 to this Act, which relate to hire-purchase agreements, have effect for the purposes of this Part of this Act.

## **8 Interpretation of Part I**

(1) In this Part of this Act—

" goods " includes ships and aircraft, minerals, substances and animals (including fish);

" price " includes a charge of any description ;

" supply " includes supply by way of lease or hire, and " acquire " shall be construed accordingly.

(2) This Part applies to the construction or carrying out of buildings, structures and other works by contractors, as it applies to the supply of goods, and for the purposes of this Part any buildings, structures or other works so constructed or carried out shall be deemed to be delivered at the place where they are constructed or carried out.

(3) For the purposes of this Part a person shall not be deemed to carry on a business within the United Kingdom by reason only of the fact that he is represented for the purposes of that business by an agent within the United Kingdom.

(4) For the purposes of any provision of this Part referring to two or more or not more than two persons, two or more persons being interconnected bodies corporate or individuals carrying on business in partnership with each other shall be treated as a single person.