

SCHEDULES

SCHEDULE 13

TRANSITIONAL PROVISIONS AND SAVINGS

PART IV

ON AND AFTER THE STARTING DATE

CHAPTER VI

TERMINATING THE TRANSITIONAL PERIOD

General

- 37 (1) Subject to sub-paragraph (2), the Director may by a direction in writing terminate the transitional period for an agreement, but only in accordance with paragraph 38.
- (2) The Director may not terminate the transitional period, nor exercise any of the powers in paragraph 38, in respect of an agreement which is excluded from the Chapter I prohibition by virtue of any of the provisions of Part I of this Act other than paragraph 1 of Schedule 1 or paragraph 2 or 9 of Schedule 3.

Circumstances in which the Director may terminate the transitional period

- 38 (1) If the Director is considering whether to give a direction under paragraph 37 (“a direction”), he may in writing require any party to the agreement concerned to give him such information in connection with that agreement as he may require.
- (2) If at the end of such period as may be specified in rules made under section 51, a person has failed, without reasonable excuse, to comply with a requirement imposed under sub-paragraph (1), the Director may give a direction.
- (3) The Director may also give a direction if he considers—
- (a) that the agreement would, but for the transitional period or a relevant exclusion, infringe the Chapter I prohibition; and
 - (b) that he would not be likely to grant the agreement an unconditional individual exemption.
- (4) For the purposes of sub-paragraph (3) an individual exemption is unconditional if no conditions or obligations are imposed in respect of it under section 4(3)(a).
- (5) In this paragraph—
- “person” has the same meaning as in Part I;
 - “relevant exclusion” means an exclusion under paragraph 1 of Schedule 1 or paragraph 2 or 9 of Schedule 3.

Status: This is the original version (as it was originally enacted).

Procedural requirements on giving a paragraph 37 direction

- 39 (1) The Director must specify in a direction under paragraph 37 (“a direction”) the date on which it is to have effect (which must not be less than 28 days after the direction is given).
- (2) Copies of the direction must be given to—
- (a) each of the parties concerned, and
 - (b) the Secretary of State,
- not less than 28 days before the date on which the direction is to have effect.
- (3) In relation to an agreement to which a direction applies, the transitional period (if it has not already ended) ends on the date specified in the direction unless, before that date, the direction is revoked by the Director or the Secretary of State.
- (4) If a direction is revoked, the Director may give a further direction in respect of the same agreement only if he is satisfied that there has been a material change of circumstance since the revocation.
- (5) If, as a result of paragraph 24(1) or (3), there is a transitional period in respect of provisions of an agreement relating to goods—
- (a) which immediately before the starting date are exempt under section 14 of the RPA, or
 - (b) which, when continuing proceedings are determined, are found to be exempt under section 14 of the RPA,
- the period is not affected by paragraph 37 or 38.