



# Fair Trading Act 1973

## 1973 CHAPTER 41

### PART IV

#### FUNCTIONS OF DIRECTOR AND COMMISSION IN RELATION TO MONOPOLY SITUATIONS AND UNCOMPETITIVE PRACTICES

##### *Monopoly references*

#### **54 Report of Commission on monopoly reference**

- (1) a report of the Commission on a monopoly reference—
  - (a) if the reference was made by the Director, shall be made to the Secretary of State, and
  - (b) in any other case, shall be made to the Minister or Ministers by whom the reference was made.
- (2) In making their report on a monopoly reference, the Commission shall include in it definite conclusions on the questions comprised in the reference, together with—
  - (a) such an account of their reasons for those conclusions, and
  - (b) such a survey of the general position with respect to the subject-matter of the reference, and of the developments which have led to that position,as in their opinion are expedient for facilitating a proper understanding of those questions and of their conclusions.
- (3) Where, on a monopoly reference not limited to the facts, the Commission find that a monopoly situation exists and that facts found by the Commission in pursuance of their investigations under subsection (1) or subsection (2) of section 49 of this Act operate, or may be expected to operate, against the public interest, the report shall specify those facts, and the conclusions to be included in the report, in so far as they relate to the operation of those facts, shall specify the particular effects, adverse to the public interest, which in their opinion those facts have or may be expected to have; and the Commission—

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*Status: This is the original version (as it was originally enacted).*

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- (a) shall, as part of their investigations, consider what action (if any) should be taken for the purpose of remedying or preventing those adverse effects, and
  - (b) may, if they think fit, include in their report recommendations as to such action.
- (4) In paragraph (a) of subsection (3) of this section the reference to action to be taken for the purpose mentioned in that paragraph is a reference to action to be taken for that purpose either—
  - (a) by one or more Ministers (including Ministers or departments of the Government of Northern Ireland) or other public authorities, or
  - (b) by the person or (as the case may be) one or more of the persons in whose favour, in accordance with the findings of the Commission, the monopoly situation in question exists.
- (5) Where, on a monopoly reference not limited to the facts, the Commission find—
  - (a) that a monopoly situation exists, and
  - (b) that the person (or, if more than one, any of the persons) in whose favour it exists is a party to an agreement to which Part I of the Act of 1956 applies,the Commission, in making their report on that reference, shall exclude from their consideration the question whether the provisions of that agreement, in so far as they are provisions by virtue of which it is an agreement to which Part I of that Act applies, operate, or may be expected to operate, against the public interest; and subsection (3) of this section, in so far as it refers to facts found by the Commission in pursuance of their investigations, shall have effect subject to the provisions of this subsection.