



# Fair Trading Act 1973

## 1973 CHAPTER 41

### PART IX

#### AMENDMENTS OF RESTRICTIVE TRADE PRACTICES ACTS

#### 98 Wholesale co-operative societies

After section 6 of the Act of 1956 there shall be inserted the following section:—

- (1) The Secretary of State may approve under this section any industrial and provident society which in his opinion fulfils the following conditions, that is to say—
  - (a) that it carries on business in the production or supply of goods or in the supply of services or in the application to goods of any process of manufacture ;
  - (b) that its shares are wholly or mainly held by industrial and provident societies ; and
  - (c) that those societies are retail societies or societies whose shares are wholly or mainly held by retail societies.
- (2) An approval given in respect of a society under this section shall (if it has not been previously withdrawn) expire at the end of the period of two years beginning with the date on which it was given or, if that period is extended (once or more than once) under the next following subsection, at the end of that period as so extended, or further extended, as the case may be.
- (3) The Secretary of State may extend or, if it has already been extended under this subsection, may further extend the period of two years referred to in subsection (2) of this section by such period, not exceeding two years, as he may specify.
- (4) The Secretary of State may at any time withdraw an approval given in respect of a society under this section if it appears to him—
  - (a) that the society has made an agreement which . would have been subject to registration under this Part of this Act if the approval had

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- not been given, or that such a recommendation as is mentioned in section 6(7) of this Act has been made by or on behalf of the society, and
- (b) that the agreement or recommendation has such adverse effects on competition that it should not be precluded from being investigated by the Court under the following provisions of this Part of this Act.
- (5) On the expiry or withdrawal of an approval given in respect of a society under this section, the provisions of this Part of this Act shall have effect in relation to agreements and recommendations made by the society during the currency of the approval as if the society had not been approved under this section.
- (6) In this section—
- " industrial and provident society " means a society registered or deemed to be registered under the Industrial and Provident Societies Act 1965 or under the corresponding law in Northern Ireland ;
- " retail society " means a society which carries on business in the sale by retail of goods for the domestic or personal use of individuals dealing with the society, or in the provision of services for such individuals;
- " the corresponding law in Northern Ireland " means the law for the time being in force in Northern Ireland for purposes corresponding to those of the Industrial and Provident Societies Act 1965 " .”