



Resale Prices Act 1976

1976 CHAPTER 53

PART III

GENERAL AND SUPPLEMENTAL

25 Contravention of and compliance with the Act

- (1) No criminal proceedings lie against any person on the ground that he has committed, or aided, abetted, counselled or procured the commission of, or conspired or attempted to commit, or incited others to commit, any contravention of sections 1 and 2 and sections 9 and 11 above.
- (2) Without prejudice to the right of any person to bring civil proceedings by virtue of subsection (3) below, compliance with those sections shall be enforceable by civil proceedings on behalf of the Crown for an injunction or other appropriate relief.
- (3) The obligation to comply with those sections is a duty owed to any person who may be affected by a contravention of them, and any breach of that duty is actionable accordingly (subject to the defences and other incidents applying to actions for breach of statutory duty).

26 Individual resale price maintenance enforceable in certain cases

- (1) The provisions of this section shall—
 - (a) apply where goods are sold by a supplier subject to a condition which is not unlawful under this Act as to the price at which those goods may be resold ;
and
 - (b) be interpreted as if they were provisions of Part I of this Act.
- (2) Where goods are sold by a supplier subject to such a condition, either generally or by or to a specified class or person, that condition may be enforced by the supplier against any person—
 - (a) who is not party to the sale, and
 - (b) who subsequently acquires the goods with notice of the condition,

Status: This is the original version (as it was originally enacted).

as if that person had been party to the sale.

- (3) A condition shall not be enforceable by virtue of this section—
- (a) in respect of the resale of any goods—
 - (i) by a person who acquires those goods otherwise than for the purpose of resale in the course of business; or
 - (ii) by any person who acquires them, whether immediately or not, from such a person ;
 - (b) in respect of the resale of any goods—
 - (i) pursuant to an order of any court; or
 - (ii) by way of execution or distress ; or
 - (iii) by any person who acquires them, whether immediately or not, after such resale.
- (4) Nothing in this section shall be construed as enabling any person to enforce a condition imposed in pursuance of any restriction which is declared by an order of the Court for the time being in force under the Restrictive Trade Practices Act 1976 (or under the Restrictive Trade Practices Act 1956) to be contrary to the public interest.
- (5) The court may, upon proof that goods sold by the plaintiff have been resold by the defendant in breach of a condition which is enforceable against him by virtue of this section, grant an injunction restraining the defendant from reselling in breach of any such condition any goods sold or to be sold by the plaintiff, whether of the same description as the goods proved to have been resold as described above or of any other description.

This subsection is without prejudice to any other relief which may be granted in proceedings against any person in respect of a breach or apprehended breach of such a condition.

27 Interpretation of the Act

In this Act—

" the Court " means the Restrictive Practices Court;

" the Director " means the Director General of Fair Trading;

" interconnected bodies corporate " means bodies corporate which are members of the same group, and for the purposes of this definition " group " means a body corporate and all other bodies corporate which are its subsidiaries—

- (a) within the meaning of section 154 of the Companies Act 1948; or
- (b) for companies in Northern Ireland, within the meaning of section 148 of the Companies Act (Northern Ireland) 1960 ; or
- (c) (in the case of an industrial and provident society) within the meaning of section 15 of the Friendly and Industrial and Provident Societies Act 1968 or section 47 of the Industrial and Provident Societies Act (Northern Ireland) 1969, as the case may be.

28 Application to Scotland

In the application of this Act to Scotland—

" assignment " means " assignation " ;

" defendant " means " defender " ;
" injunction " means " interdict " ;
" plaintiff " means " pursuer " .

29 Transitional provisions, savings and repeals

- (1) The provisions of Schedule 2 to this Act have effect for the purposes of the Act.
- (2) The enactments specified in Part I of Schedule 3 to this Act (consequential repeals) and Part II of that Schedule (repeals of provisions of the Resale Prices Act 1964 and the Restrictive Trade Practices Act 1968 which have ceased to have any effect) are hereby repealed to the extent specified in the third column of that Schedule.
- (3) Nothing in this Act shall be taken as prejudicing the operation of section 38 of the Interpretation Act 1889 (which relates to the operation of repeals).

30 Short title, extent and commencement

- (1) This Act may be cited as the Resale Prices Act 1976.
- (2) This Act extends to Northern Ireland.
- (3) This Act shall come into operation on such day as the Secretary of State may appoint by order made by statutory instrument.