



Price Commission Act 1977

1977 CHAPTER 33

Examination by Commission of questions relating to prices and charges

12 Undertakings and orders in consequence of reports on examinations

- (1) During the period of twenty-eight days beginning with the publication date of a report made in pursuance of subsection (1) of the preceding section, any person who considers that the remedying of matters indicated in the report in pursuance of subsection (2)(b) of that section could affect prices charged or charges made by him may make representations in writing to the Secretary of State as to what should be done in consequence of the indications.
- (2) Any such representations may include an undertaking by which the person who makes the representations agrees to be bound, if it is accepted by the Secretary of State, for a period specified in the representations.
- (3) The Secretary of State may—
 - (a) at any time, give notice to a person accepting an undertaking which, by reference to a report made in pursuance of the preceding section, is offered by the person either in pursuance of the preceding subsection or otherwise;
 - (b) at any time during the period of three months beginning with the publication date of such a report, except during the first twenty-eight days of that period, make an order containing such provisions for regulating any prices or charges as he considers appropriate in consequence of any indications or advice included in the report;

and where the Secretary of State proposes to accept an undertaking or make an order in pursuance of this subsection it shall be his duty, before deciding whether to accept or make it, to consult the Director General of Fair Trading about the proposal.

- (4) Without prejudice to the generality of paragraph (b) of the preceding subsection, an order in pursuance of that paragraph may contain such provisions as the Secretary of State considers appropriate in consequence of any indications or advice included in the report in question—
 - (a) for prohibiting a person who indicates that goods of any kind are or may be for sale by him from indicating—

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- (i) a price at which another person buying the goods may sell the goods, or
 - (ii) the charges which such another person may make for services relating to the goods;
 - (b) for prohibiting a person who indicates that goods of any kind are or may be for sale by him by retail (hereafter in this paragraph referred to as "the seller") from indicating that another person has indicated—
 - (i) that such goods may be sold by retail at a price higher than a price at which the seller indicates that he will or may sell them, or
 - (ii) that services relating to such goods may be provided at a charge higher than a charge at which the seller indicates that he will or may provide them ;
- but such provisions as are authorised by the preceding provisions of this subsection shall not be included in such an order in respect of goods which are exempted goods for the purposes of the Resale Prices Act 1964.
- (5) The Secretary of State may at any time by order vary or revoke an order in force in pursuance of subsection (3)(b) of this section.
 - (6) An order in pursuance of this section may be framed in such manner as the Secretary of State considers appropriate and may in particular, without prejudice to the generality of the preceding provisions of this section—
 - (a) make different provision for different circumstances;
 - (b) contain provisions which apply only, or do not apply, to a particular person or area; and
 - (c) provide for the enforcement of the order by an authority specified in the order.
 - (7) An order in pursuance of this section which contains provisions (other than such as are mentioned in subsection (4) of this section) for regulating any price or charge for an indefinite period or for a period exceeding twelve months or for a period which, together with any period for which the price or charge was regulated by virtue of provisions of a previous order in pursuance of this section (other than such as are so mentioned), forms a continuous period of more than twelve months, shall cease to have effect at the expiration of the period of one month beginning with the date on which the order was made unless before the expiration of that month the order has been approved by a resolution of each House of Parliament; and in calculating that month no account shall be taken of any period during which Parliament is dissolved or prorogued or both Houses of Parliament are adjourned for more than four days.