



Competition Act 1980

1980 CHAPTER 21

Amendments of Restrictive Trade Practices Act 1976

26 Suspension of declarations under section 1(3) of Restrictive Trade Practices Act 1976 pending revision of agreements

- (1) Where the Court has declared under section 1(3) of the Restrictive Trade Practices Act 1976 that any restrictions or information provisions in an agreement are contrary to the public interest, any party to the agreement or to the proceedings in which the declaration was made may, at any time before the declaration comes into effect, submit a revised agreement or a draft of a revised agreement to the Court and the Court may declare that any restrictions or information provisions contained in the revised agreement by virtue of which the said Act of 1976 applies or would apply to that agreement are not contrary to the public interest.
- (2) Variations of the agreement in relation to which the declaration under section 1(3) of the said Act of 1976 was made may not be submitted to the Court under subsection (1) above unless particulars of them have been furnished to the Director under section 24(2) of that Act and a new agreement may not be so submitted unless it has been registered under that Act and particulars of any variation of it have been so furnished.
- (3) The duty of taking proceedings before the Court imposed on the Director by section 1(2)(c) of the said Act of 1976 shall not apply in respect of an agreement if the Court has declared under subsection (1) above that all the restrictions or information provisions by virtue of which that Act applies to the agreement are not contrary to the public interest.
- (4) Where any person who may make an application under subsection (1) above in relation to a declaration applies to the Court at any time before the declaration comes into effect for an extension of the period after which it will come into effect to enable an application to be made to the Court under subsection (1) above and it appears to the Court reasonable to do so, it may extend that period by such period (not exceeding six months on a first application under this subsection or three months on a second such application) as it thinks fit, but no more than two extensions may be made in respect of any declaration.

Status: This is the original version (as it was originally enacted).

- (5) Where, following a declaration under section 1(3) of the said Act of 1976, an application is made under subsection (1) or (4), above, the declaration shall not come into effect until the application has been determined.
- (6) The Court may, if it thinks fit, grant an extension under subsection (4) above in relation to some but not all of the restrictions and information provisions in question and in that event—
 - (a) the period within which an application under subsection (1) above or a second application under subsection (4) above may be made shall not expire until the declaration has come into effect in relation to all the restrictions or information provisions, and
 - (b) subsection (5) above shall not prevent a declaration coming into effect in relation to any restriction or information provision in relation to which no extension was granted.
- (7) Notice of an application made under subsection (1) or (4) above shall be served on the Director in accordance with rules of court and the Director shall be entitled in accordance with such rules to appear and to be heard on the application.
- (8) Where a declaration is made under subsection (1) above the Director shall cause notice of it to be entered in the register kept by him under section 23 of the said Act of 1976—
 - (a) in the case of a declaration in relation to restrictions or information provisions contained in an agreement registered under the Act, on the making of the declaration, and
 - (b) in the case of a declaration in relation to restrictions or information provisions contained in a draft agreement, on the registration of an agreement in the form of the draft.
- (9) Sections 10 and 19 of the said Act of 1976 (public interest) shall apply to proceedings under this section as they apply to proceedings under Part I of that Act.