

**2005 No. 3098**

**COMPETITION**

**The Films (Exclusivity Agreements) (Revocation) Order 2005**

*Made - - - - 1st November 2005*

*Laid before Parliament 7th November 2005*

*Coming into force - - 1st December 2005*

The Secretary of State makes the following Order in exercise of the powers conferred on him by sections 56(2), 90(2) and (4) and 134(2) of, and paragraphs 1 and 2 of Schedule 8 to, the Fair Trading Act 1973<sup>(a)</sup>.

In accordance with section 91(2) of that Act<sup>(b)</sup> the then Secretary of State published a notice on 3rd December 2004 stating her intention to make this Order, indicating the nature of the provisions to be embodied in it and stating that any person whose interests were likely to be affected by it and who was desirous of making representations in respect of it should do so in writing before 21st January 2005 and the Secretary of State has considered the representations received.

**Citation and Commencement**

1. This Order may be cited as The Films (Exclusivity Agreements) (Revocation) Order 2005 and shall commence on 1st December 2005.

**Revocation**

2. The Films (Exclusivity Agreements) Order 1989<sup>(c)</sup> is revoked.

1st November 2005

*Gerry Sutcliffe*  
Parliamentary Under Secretary of State for  
Employment Relations and Consumer Affairs  
Department of Trade and Industry

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(a) Sections 56 and 90 of, and Schedule 8 to, the Fair Trading Act were repealed by the Enterprise Act 2002 (c. 40), Schedule 26 but, pursuant to Schedule 24, paragraphs 14 and 19, and SI 2003/1397 (“the saving provisions”), they continue to apply in respect of monopoly references made before 20 June 2003 under section 50 of the Act.

(b) 1973 c. 41. Section 91 of the Act was repealed by the Enterprise Act 2002 Schedule 26 but, pursuant to the saving provisions, it continues to apply in respect of monopoly references made before 20 June 2003 under section 50 of the Act.

(c) SI 1989 / 271.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order revokes the Films (Exclusivity Agreements) Order 1989 (“the 1989 Order”) which makes it unlawful for supply agreements between distributors and exhibitors to include exclusivity terms applying to more than one film or for exhibitors not to exhibit a film on the basis that exclusivity terms for other films had not been agreed.

Copies of the report of the Monopolies and Mergers Commission upon which the 1989 Order is based (Cmnd. 8858) may be obtained from The Competition Commission at [http://www.competition-commission.org.uk/rep\\_pub/reports/1983/165films.htm](http://www.competition-commission.org.uk/rep_pub/reports/1983/165films.htm).

A regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

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