

2005 No. 3103

COMPETITION

**The Monopolies and Restrictive Practices (Dental Goods),
(Imported Hardwood and Softwood Timber) and (Estate Agents)
(Revocation) Order 2005**

<i>Made</i> - - - -	<i>1st November 2005</i>
<i>Laid before Parliament</i>	<i>9th November 2005</i>
<i>Coming into force</i> - -	<i>15th December 2005</i>

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(a) (“the Act”).

In accordance with section 91(2) of that Act(b), the Secretary of State published a notice on 28th September 2005 stating his 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 28th October 2005. The Secretary of State has considered the representations received.

Citation and Commencement

1. This Order may be cited as The Monopolies and Restrictive Practices (Dental Goods), (Imported Hardwood and Softwood Timber) and (Estate Agents) (Revocation) Order 2005 and shall commence on 15th December 2005.

Revocation

- 2.—(1) The Monopolies and Restrictive Practices (Dental Goods) Order 1951(c) is revoked.
- (2) The Monopolies and Restrictive Practices (Imported Hardwood and Softwood Timber) Order 1960(d) is revoked.
- (3) The Restriction on Agreements (Estate Agents) Order 1970(e) is revoked.

(a) 1973 (c.41); Sections 56 and 90 of, and Schedule 8 to, the Fair Trading Act 1973 were repealed by the Enterprise Act 2002 (c.40), Schedule 26 but, pursuant to the Enterprise Act, Schedule 24, paragraphs 14 and 19 and SI 2003/1397 (“the saving provisions”) they continue to apply in respect of the Orders which are the subject matter of this Order.

(b) Section 91 of the Act was repealed by the Enterprise Act 2002 Schedule 26 but, pursuant to the saving provisions, it continues to apply in respect of monopoly references made before 20 June 2003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) S.I. 1951/1200.

(d) S.I. 1960/1211.

(e) S.I. 1970/1696.

Gerry Sutcliffe
Parliamentary Under Secretary of State
for Employment Relations and Consumers
Department of Trade and Industry

1st November 2005

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes three Orders: the Monopolies and Restrictive Practices (Dental Goods) Order 1951 (SI 1951/1200) (“the Dental Goods Order”); the Monopolies and Restrictive Practices (Imported Hardwood and Softwood Timber) Order 1960 (SI 1960/1211) (“the Imported Timber Order”); and the Restriction on Agreements (Estate Agents) Order 1970 (SI 1970/1696) (“the Estate Agents Order”).

The Dental Goods Order renders unlawful certain kinds of agreement which relate to the collective enforcement of resale prices in respect of dental goods and those the effect of which is to restrict the number of persons carrying on business as suppliers of dental goods.

The Imported Timber Order makes it unlawful for any person to make or carry out certain agreements or arrangements relating to the supply of imported hardwood or softwood timber.

The Estate Agents Order renders unlawful agreements and arrangements between estate agents relating to the charges, the advertising of the charges and the recommending of the charges in connection with the disposal of unfurnished dwellings other than agreements or arrangements which relate to the compulsory acquisition of unfurnished dwellings.

Copies of the reports of the Monopolies and Mergers Commission upon which the 1951, 1960 and 1970 Orders are based (MRPC 1950 Report on the supply of dental goods; MRPC 1953 Report on the supply of imported timber; and Monopolies Commission 1969 Report 127 on Estate Agents: a report on the supply of certain services by estate agents) may be obtained from the Competition Commission.

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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