

**EXPLANATORY MEMORANDUM TO
THE COMPETITION ACT 1998 (CONSEQUENTIAL PROVISIONS) ORDER
2013**

2013 No. 294

1. This explanatory memorandum has been prepared by the Department for Business, Innovation and Skills and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments

2. **Purpose of the instrument**

2.1 This order makes a number of consequential amendments to enactments in consequence of the coming into force of s.1(a) Competition Act 1998 which provides that the Restrictive Practices Court Act 1976 will cease to have effect. Section 1(a) Competition Act 1998 will be brought into force by the Competition Act 1998 (Commencement No.6) Order 2013 which will be made on the same date that this Order will be brought into force.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

4. **Legislative Context**

4.1 This instrument is being brought forward in order to remove reference to the Restrictive Practices Court in: the Rules of the Supreme Court (Revision) 1965; the Domestic and Appellate Proceedings (Restriction of Publicity) Act 1968; the Fair Trading Act 1973; the House of Commons Disqualification Act 1975; the Northern Ireland Assembly Disqualification 1975; Sales of Goods for Mothers and Children (Designation and Charging) Regulations 1976; the Contempt of Court Act 1981; the Civil Legal Aid (General) Regulations 1989; the Solicitors' Recognised Bodies Order 1991; the Judicial Pensions and Retirement Act 1993; the Enterprise Act 2002; the Constitutional Reform Act 2005; and the Legal Services Act 2007 (Designation as a Licensing Authority) (No.2) Order 2011.

5. **Territorial Extent and Application**

5.1 This instrument applies to all of the United Kingdom

6. **European Convention on Human Rights**

The Secretary of State has made the following statement regarding Human Rights:

“In my view the provisions of the Competition Act 1998 (Consequential Provisions) Order 2013 are compatible with the Convention rights.”

7. Policy background

7.1 The Restrictive Trade Practices Court was established to determine whether restrictive trading agreements were in the public interest. The Competition Act 1998 transferred the functions of the Court to the Competition Commission and section 1(a) of the Competition Act 1998 made provision for the prospective repeal of the Restrictive Trade Practices Court Act 1976 (and thus the abolition of the Court).

7.2 The Restrictive Practices Court is now redundant and the repeal of the Restrictive Practices Court Act 1976 will be brought into force by the Competition Act 1998 (Commencement No. 6) Order 2013.

7.3 This order removes reference to the Restrictive Practices Court from various enactments set out at paragraph 2.1.

8. Consultation outcome

8.1 No consultation was undertaken on this instrument.

9. Guidance

9.1 No guidance is being prepared in respect of this instrument.

10. Impact

10.1 A light touch impact assessment was produced for this measure and cleared by the Regulatory Policy Committee as the revocation of this measure will have no economic impact.

11. Regulating small business

11.1 The legislation does not apply to small businesses.

12. Monitoring & review

12.1 This is a revocation of legislation which is redundant so a review is not necessary.

13. Contact

Tony Monblat at the Department for Business, Innovation and Skills (Tel: 0207 215 6982 or email: tony.monblat@bis.gov.uk) can answer any queries regarding the instrument.