



**AN BILLE UM CHLEACHTAIS SRIANTA TRADALA
(LEASU), 1959.
RESTRICTIVE TRADE PRACTICES (AMENDMENT) BILL,
1959.**

*Mar a ritheadh ag Dáil Éireann.
As passed by Dáil Éireann.*

ARRANGEMENT OF SECTIONS.

Section.

1. The Principal Act.
2. Amendments of section 7 of the Principal Act.
3. Amendment of section 8 of the Principal Act.
4. Enquiries into refusal to use particular materials or methods for certain purposes.
5. General review of orders under section 9 of the Principal Act.
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7. Laying of copies of reports before Houses of the Oireachtas.
8. Further amendments of the Principal Act.
9. Construction of certain references to the Principal Act.
10. Short title, construction and collective citation.



AN BILLE UM CHLEACHTAIS SRIANTA TRADALA
(LEASU), 1959.
RESTRICTIVE TRADE PRACTICES (AMENDMENT) BILL,
1959.

BILL

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entitled

AN ACT TO AMEND AND EXTEND THE RESTRICTIVE
TRADE PRACTICES ACT, 1953.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :—

The Principal
Act.
1953, No. 14.

1.—In this Act “the Principal Act” means the Restrictive Trade Practices Act, 1953. 10

Amendments of
section 7 of
the Principal
Act.

2.—(1) Section 7 of the Principal Act is hereby amended by the substitution for subsection (1) of the following :

“ (1) The Commission may, on their own initiative, and shall, at the request of the Minister, cause an enquiry to be held— 15

(a) into the conditions which obtain in regard to the supply and distribution of any kind of goods or to one or more aspects of the supply and distribution of one or more kinds of goods, or 20

(b) into one or more aspects of the operation of an order under section 9 of this Act.”

(2) Section 7 of the Principal Act is hereby amended by the substitution for subsection (5) of the following :

“ (5) The Commission may, in the course of an enquiry, enquire into the conditions which obtain in regard to the rendering, in the course of carrying on any trade or business, of any services affecting the supply or distribution of the goods concerned.” 25

Amendment of
section 8 of
the Principal
Act.

3.—Section 8 of the Principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following : 30

“ (a) describe—

(i) the conditions which obtain in regard to the supply or distribution of the goods concerned, and

(ii) where appropriate, the conditions in regard to the rendering, in the course of carrying on any trade or business, of any services affecting such supply or distribution, 35

in so far as those conditions have effect in relation to the observance of the fair trading rules, or come within the scope of and have effect in relation to the enquiry, as the case may be, to which the report relates;” 40

4.—(1) The Commission shall, whenever so requested by the Minister, cause an enquiry to be held into the refusal or alleged refusal by employers or employees (or any combination of employers or of employees or of employers and employees) to use particular materials or particular methods for manufacturing or construction purposes.

Enquiries into refusal to use particular materials or methods for certain purposes.

(2) Subsections (2), (3), (4) and (6) of section 7 of the Principal Act and paragraph 7 of the First Schedule to that Act shall have effect in relation to an enquiry under this section.

10 (3) The Commission shall submit to the Minister a report of every enquiry under this section.

5.—The Commission shall keep under review the operation of orders under section 9 of the Principal Act.

General review of orders under section 9 of the Principal Act.

15 6.—(1) The Commission may, on their own initiative, and shall, at the request of the Minister, hold a special review of the operation of an order under section 9 of the Principal Act.

Special review of order under section 9 of the Principal Act.

(2) A special review may relate to the operation of an order as a whole or to particular aspects of the operation of an order.

20 (3) The Commission shall cause to be published in such manner as they think fit notice of their intention to hold a special review and shall give to any person desiring to make submissions in relation to the subject matter of the review an opportunity to do so; and the notice shall specify the time and manner in which submissions are to be made.

25 (4) Upon the publication of a notice by the Commission of their intention to hold a special review, any person may request the Commission to conduct the review by means of an enquiry under section 7 of the Principal Act as amended by section 2 of this Act.

30 (5) Where the Commission, having received a request under subsection (4) of this section, decide not to conduct a special review by means of an enquiry under the said section 7, they shall inform the person who made the request of the reasons for their decision.

35 (6) The Commission shall submit to the Minister a report of every special review and the report shall state whether any request was made to the Commission under subsection (4) of this section and, if so, give the reasons for their decision not to accede to the request.

40 (7) Where the Commission are of opinion that the Minister should amend the order which is the subject of a special review, they shall in their report of the review recommend accordingly and indicate the form of amending order they recommend.

45 (8) Where the Commission are of opinion that the Minister should revoke the order which is the subject of a special review, they shall in their report of the review recommend accordingly.

7.—(1) The Minister shall lay before each House of the Oireachtas a copy of the report made by the Commission of every enquiry under section 4 of this Act and every special review under section 6 of this Act.

Laying of copies of reports before Houses of the Oireachtas.

50 (2) It shall be lawful for the Minister after consultation with the Commission to omit from the copy any information contained in the report the publication of which would, in his opinion, materially injure the legitimate business interests of any person, if such information is not essential to the full understanding of the report.

(3) The Minister shall lay before each House of the Oireachtas, together with the copy of the report, a statement indicating the general character of any information so omitted.

Further amendments of the Principal Act.

8.—(1) Section 9 of the Principal Act is hereby amended by the insertion at the end of subsection (2) of “or under this subsection”. 5

(2) Section 9 of the Principal Act is hereby amended by the insertion in subsection (5) after “months” of “(being months in which Dáil Éireann or Seanad Éireann has sat for not less than three days)”.

(3) Section 10 of the Principal Act is hereby amended by the deletion of “and the operation of orders under section 9”. 10

Construction of certain references to the Principal Act.

9.—The references to the Principal Act contained in subparagraph (3) of paragraph 8 and paragraph 9 of the First Schedule to that Act shall be construed as including references to this Act. 15

Short title, construction and collective citation.

10.—(1) This Act may be cited as the Restrictive Trade Practices (Amendment) Act, 1959.

(2) The Principal Act and this Act shall be construed together as one and may be cited together as the Restrictive Trade Practices Acts, 1953 and 1959. 20

BILLE

dá ngairtear

Acht do leasú agus do leathnú an Achta um
Chleachtais Srianta Trádála, 1953.

*An tAire Tionscail agus Tráchtála a thug
isteach.*

Rite ag Dáil Éireann, 11 Samhain, 1959.

BAILE ÁTHA CLIATH :
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR.

Le ceannach díreach ón Oifig Díolta Foilseachán Rialtais,
An Stuara, Árd Oifig an Phoist, Baile Átha Cliath, nó trí
aon díoltóir leabhar.

Cló-bhuailte ag CAHILL & Co., Ltd.

[*Luach : Naoi bPingne Glan.*]

BILL

entitled

An Act to amend and extend the Restrictive
Trade Practices Act, 1953.

*Introduced by the Minister for Industry and
Commerce.*

Passed by Dáil Éireann, 11th November, 1959.

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