

**Notice pursuant to section 91(2) of the Fair Trading Act 1973
Revocation of Monopolies and Restrictive Practices (Dental Goods)
Order 1951**

The Secretary of State intends to make an Order (“the revocation Order”) to revoke the Monopolies and Restrictive Practices (Dental Goods) Order 1951 (“the 1951 Order”). Before he makes the revocation Order he is required under section 91(2) of the Fair Trading Act 1973 (“the Act”), to publish a notice so that anyone with an interest in the matter may make representations to him.

The nature of the proposed provisions

The revocation Order would revoke the 1951 Order. The 1951 Order was made for the purpose of remedying or preventing the adverse effects specified in the Monopolies and Restrictive Practices Commission report entitled: *Report on the Supply of Dental Goods*, (HC 18) which found that the main trade association, the Association of Dental Manufacturers and Traders, acted against the public interest by using its members to enforce resale price maintenance and by limiting entry to the industry. It also found a number of practices of one company, the largest supplier of dental goods, were expected to act against the public interest.

The Order makes it unlawful (among other things) for suppliers of dental goods to make agreements to withhold supply to some persons on the grounds that they did not retail the goods at the price indicated by the supplier. It also makes it unlawful for suppliers to make or carry out any agreement, which is intended to, or likely to have the effect of, limiting the number of persons carrying out the business of supplying dental goods in the UK. In addition, it makes it unlawful for any person to procure the making or carrying out of agreements of this kind.

The Office of Fair Trading has recommended that the Secretary of State revoke the 1951 Order. The OFT have found that the trade association named as acting against the public interest in the report on dental goods is now the British Dental Trade Association. The one company named in the 1950 report as acting against the public interest was dissolved in 1996.

The OFT believe that the practices which the Order addresses, as far as it has anti-competitive objects or effects, is now likely to be subject to the Competition Act 1998 which deals adequately with them. The possibility of fines for breach of the Competition Act 1998 is likely to be a significant deterrent to any reversion to past practices.

Copies of the draft revocation Order may be obtained on the DTI website at <http://www.dti.gov.uk/ccp/topics2/monopolies.htm> or from Philip.martin@dti.gsi.gov.uk

Representations

Any person whose interests are likely to be affected by the revocation Order, and who would like to make representations about it, should do so in writing to Philip Martin, room 416, Department of Trade and Industry, 1 Victoria Street, London SW1H 0ET (e-mail: Philip.martin@dti.gsi.gov.uk). You should state what your interest in the matter is and the grounds on which you wish to make representations. Your representations must be received by 28 October 2005.