

**2005 No. xxx**

**COMPETITION**

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

<i>Made</i> - - - -	2005
<i>Laid before Parliament</i>	2005
<i>Coming into force</i> - -	2005

Whereas the Secretary of State, in accordance with section 91(2) of the Fair Trading Act 1973(a) (“the Act”), published a notice on [... 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 [...2005];

And whereas the Secretary of State has considered the representations received;

Now, therefore, the Secretary of State, being the appropriate Minister under section 56 of the Act, in exercise of the powers conferred on him by sections 56(2) and 90(2) and (4) of, and paragraphs 1 and 2 of Schedule 8 to, the Act(b), hereby makes the following Order:

**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 [ ].

**Revocation**

2.—(1) The Monopolies and Restrictive Practices (Dental Goods) Order 1951(c) is hereby revoked.

(2) The Monopolies and Restrictive Practices (Imported Hardwood and Softwood Timber) Order 1960(d) is hereby revoked.

(3) The Restriction on Agreements (Estate Agents) Order 1970(e) is hereby revoked.

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(a) Section 91 of the Fair Trading Act was repealed by the Enterprise Act 2002 (c.40), Schedule 26 but, pursuant to the Enterprise Act, Schedule 24, paragraphs 14 and 19 and SI 2003/1397 (“the saving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”), it continues to apply in respect of monopoly references made before 20 June 2003 under section 50 of the Act.

(b) Sections 56 and 90 of, and Schedule 8 to, the Act were repealed by the Enterprise Act 2002, Schedule 26 but, pursuant to the saving provisions they continue to apply in respect of the Orders which are the subject matter of this Order.

(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 Consumer Affairs  
Department of Trade and Industry

[Date]

### **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 and the Imported Timber Order 1960 were made under section 10 of the Monopolies and Restrictive Practices (Inquiry and Control) Act 1948 (c. 66), which was repealed by Monopolies and Mergers Act 1965 (c. 50) (“the 1965 Act”) but the Orders continued to have effect under section 3 of the 1965 Act as a result of section 11(6) of the 1965 Act. The Estate Agents Order 1970 was made under section 3 of the 1965 Act. Section 139 and Schedule 11 paragraph 1 of the Fair Trading Act 1973 (c. 41) (“the 1973 Act”) repealed the 1965 Act but, by virtue of Schedule 11 of the 1973 Act each Order continued to have effect as if made under section 56 of the 1973 Act. Section 56 of the 1973 Act was repealed by section 278(2) and Schedule 26 of the Enterprise Act 2002 (c.40) but each Order continued in force by virtue of article 6(a) of S.I. 2003/1397 which provided that the commencement of the amendments, repeals and revocations in Schedules 25 and 26 relating to the 1973 Act shall not have effect in relation to any orders which by virtue of paragraph 1 of Schedule 11 to that Act have effect as if made under that Act.

The Monopolies and Restrictive Practices (Dental Goods) Order 1951 is revoked. This 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 Monopolies and Restrictive Practices (Imported Hardwood and Softwood Timber) Order 1960 (“the 1960 Order”) is also revoked. This Order makes it unlawful for any person to make or carry out any agreement or arrangement relating to the supply of imported hardwood or imported softwood timber having effects which are described as being “similar to the original arrangements”.

The Restriction on Agreements (Estate Agents) Order 1970 is also revoked. This 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.

Photocopies 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 at [ ].

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