

Any person aggrieved by the Order and desiring to question the validity thereof, or of any provision contained therein, on the grounds that it is not within the powers of the above Act or that any requirement of that Act or of any regulation made thereunder has not been complied with in relation to the Order, may, within 6 weeks of the 23rd November 1992 apply to the High Court for the suspension or quashing of the Order or of any provision contained therein.

W. S. C. Wadrup, Director, West Midlands Regional Office,
Network Management Division, Department of Transport.
(792)

OFFICE OF FAIR TRADING

FAIR TRADING ACT 1973

Reference to the Monopolies and Mergers Commission: The supply of fine fragrances

The Director General of Fair Trading in exercise of his powers under sections 47(1), 49(1) and 50(1) of the Fair Trading Act 1973 hereby refers to the Monopolies and Mergers Commission the matter of the existence or the possible existence of a monopoly situation in relation to the supply in the United Kingdom for retail sale of fine fragrances.

The Commission shall investigate and report on the questions whether a monopoly situation exists and if so:

- (a) by virtue of which provisions of sections 6 to 8 of the said Act that monopoly situation is taken to exist;

- (b) in favour of what person or persons that monopoly situation exists;
- (c) whether any steps (by way of uncompetitive practices or otherwise) are being taken by that person or persons for the purpose of exploiting or maintaining the monopoly situation and if so by what uncompetitive practices or in what other way;
- (d) whether any action or omission on the part of that person or persons is attributable to the existence of that monopoly situation and if so what action or omission and in what way it is so attributable; and
- (e) whether any facts found by the Commission in pursuance of their investigations under the preceding provisions of this paragraph operate or may be expected to operate against the public interest.

For the purpose of this reference:

'fine fragrances' means perfumes (otherwise known as concentrates), eaux de parfum, eaux de toilette, eaux de cologne and after-shave lotions which are supplied to retailers at a resale price exceeding £15 per 50 millilitres;

'resale price' has the meaning given to it by section 11(2) of the Resale Prices Act 1976; and

where a container of perfume, eau de parfum, eau de toilette, eau de cologne or after-shave lotion which if supplied alone would be supplied to retailers at a resale price exceeding £15 per 50 millilitres is supplied in combination with any other goods at an inclusive resale price for the container and those goods, the inclusive resale price of the container and those goods is to be treated as the resale price of the container.

The Commission shall report upon this reference within a period of nine months from the date hereof.

B. Carsberg, Director General of Fair Trading
19th November 1992. (5 SI)