



HOUSE OF LORDS,  
SW1A 0PW

Tuesday 25th January

- 9.45 a.m. Legislation Committee  
Conference Room A,  
Cabinet Office
- 11.30 Attorney General  
Restrictive Practices  
(Dobson and Bourne)
- 2.30 p.m. HOUSE  
Local Employment - 3a  
Summer Time - 3a  
Maintenance Orders  
(Reciprocal Enforcement) 3a
- 4.30 Procedure Committee  
Moses Room
- 7.15/7.45 Pilgrims' Dinner, Savoy  
(Black Tie)

Paper on Restrictive Practices in the professions from the S. of S. P. I.

Proposes to exclude the legal profn: Is this quite? Proposal is to subject practices to S. 6 of RTPA 1956. But does this make sense? W<sup>d</sup> apply to Church &c. RTPA 1956 was designed to cover manufacture & supply of goods. Custom built for goods see s. 6.5.21. After much disc<sup>n</sup>: "gateways" giving criteria by wh. acts m<sup>d</sup> allow R.P.s. emerged. None of these (exc. arguably one) relate to services or <sup>be</sup> made to relate to them. The criteria wh. justify R.P.s. in prof<sup>s</sup>: quite diff<sup>r</sup>: e.g. no witness ex<sup>r</sup> from a solicitor — do not interview witnesses: no advertisement. Professions are in fact v<sup>y</sup> competitive. Would not sum disc<sup>n</sup>: as in 1956 yield many diff<sup>r</sup>: gateways? No disc<sup>n</sup> have taken place — and no preliminary studies. Also proposed to alter one of foundations on wh. RTPA 1956 founded — viz enforcement by an indep<sup>t</sup>: officer, — the Registrar — to be abolished. New Civil Service Official, dep<sup>t</sup>: on Minister, to be appointed. Will only "call up" certain practices at Ministerial discretion. In other words — law to be altered, — whether to be enforced discretionary in executive. Will judges accept this new encroachment on judicial liberty? I doubt it; but they have not b<sup>e</sup> asked. R.P.s. in professions have been ref<sup>d</sup>: to MonCom. But Mon: Com: has not considered their replies — This new proposal takes away power from Mon: Com: before it has completed its work. Amble paper exists for S. of S. to outlaw practices condemned by Mon: Com: Why not use mon: com: machinery?