

JAMAICA

No. 22—2001

I assent,

[L.S.]

H. F. COOKE,  
*Governor-General.*

20th August 2001.

AN ACT to Amend the Fair Competition Act.

[ 21st August, 2001 ]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Fair Competition (Amendment) Act, 2001 and shall be read and construed as one with the Fair Competition Act (hereinafter referred to as the principal Act) and all amendments thereto.

Short title  
and con-  
struction.

Amendment  
of section  
2 of principal  
Act.

2. Subsection (1) of section 2 of the principal Act is amended by inserting next after the definition of “dealer” the following definition—

“document” includes, in addition to a document in writing—

- (a) any map, plan, graph or drawing;
- (b) any photograph;
- (c) any disc, tape, sound track or other device in which sounds or other data (not being visual images) are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom;
- (d) any film (including microfilm), negative, tape or other device in which one or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom.”.

Amendment  
of section  
5 of principal  
Act.

3. Subsection (1) of section 5 of the principal Act is amended by inserting next after the word “investigations” wherever it appears the words “or inquiries”.

Amendment  
of section  
6 of principal  
Act.

4. Section 6 of the principal Act is amended by inserting next after the word “investigation” the words “or inquiry”.

Amendment  
of section  
7 of principal  
Act.

5. Section 7 of the principal Act is amended by inserting next after the word “investigation” wherever it appears the words “or inquiry”.

Amendment  
of section  
11 of principal  
Act.

6. Section 11 of the principal Act is amended—

- (a) in subsection (1)—
  - (i) by inserting next after the word “investigation” wherever it appears the words “or inquiry”; and

(ii) by inserting next after the word “investigated” the words “or subject to inquiry”;

(b) in subsection (2)—

(i) by inserting immediately after the word “an” the words “investigation or”; and

(ii) by inserting immediately after the word “investigation” the words “or inquiry”.

7. Subsection (1) of section 21 of the principal Act is amended by deleting the words “had or is having” and substituting therefor the words “had, is having or is likely to have.” Amendment of section 21 of principal Act.

8. Subsection (1) of section 33 of the principal Act is amended by deleting the definition of “tied selling” and substituting therefor the following— Amendment of section 33 of principal Act.

“ “tied selling” means—

(a) any practice whereby a supplier of goods or services, as a condition of supplying the goods or services (in this section referred to as “tied goods” or “tied services”, respectively) to a customer, requires the customer to—

(i) acquire any other goods or services from the supplier or his nominee; or

(ii) refrain from using or distributing, in conjunction with the tied goods any other goods that are not of a brand or manufacture designated by the supplier or his nominee; or

(b) any practice whereby a supplier of goods or services induces a customer to meet a condition set out in paragraph (a) by offering to supply the tied goods or tied services to the customer on more favourable terms or conditions if the customer agrees to meet that condition.”

Amendment  
of section  
34 of prin-  
cipal Act.

9. Subsection (1) of section 34 of the principal Act is amended—

- (a) by inserting next after the words “supplying goods” the words “or supplying services”;
- (b) by inserting in paragraphs (a), (b) and (c) next after the word “goods” wherever it appears the words “or services”.

Amendment  
of section  
37 of prin-  
cipal Act.

10. Subsection (1) of section 37 of the principal Act is amended—

- (a) by inserting in paragraph (a) next after the word “misleading” the following words “or is likely to be misleading”;
- (b) by deleting paragraph (c) and substituting therefor the following—

“ (c) falsely represent to the public in the form of a statement, warranty or guarantee that services are—

- (i) of a particular kind, standard, quality, or quantity; or
- (ii) supplied by a particular person or by a person of a particular trade, qualification or skill.”.

Amendment  
of section  
40 of prin-  
cipal Act.

11. Section 40 of the principal Act is amended by deleting subsection (2) and substituting therefor the following—

“ (2) A person shall not advertise at a bargain price, goods or services which he does not supply in reasonable quantities having regard to the nature of the market in which he carries on business, the nature and size of the business carried on by him and the nature of the advertisement.”.

12. The principal Act is amended by deleting section 42 and substituting therefor the following—

Amendment of section 42 of principal Act.

“Obstruction of investigation.

42. A person who in any manner impedes, prevents or obstructs an investigation or inquiry by the Commission under this Act or an authorized officer in the execution of his duties under this Act is guilty of an offence and is liable on summary conviction in a Resident Magistrate’s Court to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.”.

13. Section 43 of the principal Act is amended by deleting the words “conviction in a Circuit Court to a fine or to imprisonment for a term not exceeding five years” and substituting therefor the words “summary conviction in a Resident Magistrate’s Court to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment”.

Amendment of section 43 of principal Act.

14. Section 44 of the principal Act is amended by deleting the words “conviction in a Circuit Court to a fine or to imprisonment for a term not exceeding five years” and substituting therefor the words “summary conviction in a Resident Magistrate’s Court to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment”.

Amendment of section 44 of principal Act.

15. Section 45 of the principal Act is amended by deleting the words “twenty thousand” and substituting therefor the words “one million”.

Amendment of section 45 of principal Act.