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SI 1996/1097 priced at £0.65 each.

The Bath-Lincoln Trunk Road (A46 Upper Swainswick to A420 Cold Ashton Roundabout, Side Roads) Order 1987 Revocation Order 1996 is available from this office, free of charge.

Any person aggrieved by an Order mentioned in this notice who desires to question its validity, or the validity of any provision in it, on the ground that:

- (a) it is not within the powers of the Highways Act 1980, or
- (b) any requirement of that Act or of regulations made under that Act has not been complied with in relation to that Order

may apply to the High Court within 6 weeks from the date of first publication of this notice. On such application, the Court may suspend or quash that Order or any provision in it.

J. E. Allison, a Senior Executive Officer in the Southern Operations Division of the Highways Agency.

3rd May 1996. (780)

OFFICE OF FAIR TRADING

INVESTIGATION INTO RESIDENTIAL ESTATE AGENCY SERVICES IN SCOTLAND

Variation to Monopoly Reference Made by the Director General of Fair Trading Under Section 50(1) of the Fair Trading Act 1973

On 13th March 1996 the Director General of Fair Trading, in exercise of his powers under sections 9, 47(1) and (2), 49(1) and 50(1) of the Fair Trading Act 1973 ("the Act") referred to the Monopolies and Mergers Commission ("the Commission") the matter of the existence or possible existence of a monopoly situation in relation to the supply of residential estate agency services in Scotland. The Commission have requested that the reference be varied for the purposes of clarification. The Director General of Fair Trading, in exercise of his power under section 52 of the Act, hereby varies the reference in the manner set out below so that from the date hereof, the reference shall be in the form set out in the schedule annexed hereto.

The following words shall be inserted after "The Commission shall," in the third main paragraph of the reference made on 13th March 1996:

"in investigating and reporting upon the question of whether a monopoly situation exists by virtue of section 7(1)(c) of the Act,"

J. Bridgeman, Director General of Fair Trading

30th April 1996. (10 SI)

The Civic Trust for Wales

The Board of the Civic Trust for Wales has great pleasure in announcing that His Royal Highness The Prince of Wales has kindly agreed to become Patron of the Trust.

The Board recognises the active concern of His Royal Highness to improve the quality of our built environment and warmly welcomes his personal support for the work of the Trust in Wales. (5 SI)

TELECOMMUNICATIONS

Proposed Modifications of the Licence of Mercury Communications Limited (Mercury)

1. The Director General of Telecommunications (the "Director"), in accordance with section 12(2) of the Telecommunications Act 1984 (the "Act"), hereby gives notice that he proposes to make modifications on the licence to Mercury Communications Limited on 5th November 1984 (the "Mercury Licence").

2. The principal modifications which the Director proposes to make are described in the Schedule below. The Director also proposes to make a number of minor and consequential modifications for the purposes of the principal proposed modifications.

3. The Director proposes to make the modifications described in the Schedule. A review of Mercury's licence concluded that certain conditions are obsolete, that others are not appropriate to a non-dominant operator and that obligations in Mercury's licence requiring advance publication of charges operate too harshly given Mercury's non-dominant position in most markets overall. He

proposes that Mercury be subject to a requirement of effective day publication of charges. It is also proposed that the interconnection and Associate conditions should be brought up to date.

4. The Director is required by section 12(2) of the Act to consider any representations or objections which are duly made and not withdrawn. Following consultation and Mercury's agreement with them, the Director proposes to make the modifications forthwith.

5. The consultation procedure comprises two stages. In the first stage, representations on or objections to the proposed modifications may be made to David Naylor, OFTEL, 50 Ludgate Hill, London EC4M 7JJ (telephone 0171 634 8708) no later than 31st May 1996.

Any confidential material should be clearly marked as such and separated out into a confidential annex. All representations or objections received by OFTEL, with the exception of material marked confidential, will be made available for inspection in OFTEL's library. OFTEL encourages interested parties to place the non-confidential parts of their representations, objections and comments on their own Internet pages, in addition to sending OFTEL a hard copy. Comments on this document (if they are relatively short) can also be sent to OFTEL at the following e-mail address: press.office.ofel@gnet.gov.uk.

6. In the second stage of consultation, interested parties are invited to send comments to OFTEL no later than 14th June 1996, on the representations and objections received in the first stage. Copies of the proposed modifications can be obtained from Niall Horgan at the above address (telephone 0171 634 8862).

SCHEDULE

Proposed principal modifications of conditions of the Mercury licence

1. Deletion of outdated conditions

It is proposed to delete the following conditions which are now no longer necessary.

Condition 6—Calls made by emergency organisations. The Condition requires Mercury to have operators to connect calls in circumstances when they cannot be dialled direct. Because it is now possible to direct dial emergency organisations, the condition is redundant.

Condition 30—Numbering arrangements. This has been superseded by Conditions 30A and 30B to Mercury's licence.

Condition 36A—Requirement to provide means of access to the Applicable Systems. This condition imposes an obligation on Mercury to provide access to its Applicable Systems, in conformity with certain standards which have now been superseded.

2. Deletion of conditions inappropriate to an operator in Mercury's position

There a number of conditions which are unnecessary for an operator such as Mercury. They are not found in licences granted to other operators in a comparable position to Mercury. In view of Mercury's market position overall it is reasonable that it should be put on the same footing as other comparable operators. The conditions to be deleted currently provide as follows:

Condition 9—Priority fault repair service. This requires Mercury to offer a priority fault repair service to particular groups of customers.

Condition 17—Prohibition on cross-subsidies. This gives the Director a power to control unfair cross-subsidies to Mercury's apparatus supply, production, and supplemental services businesses.

Condition 19—Separate accounts for certain activities. This requires the keeping of separate accounts for Mercury's apparatus supply business, its systems business and its supplementary services business.

Condition 20—Apparatus production. This requires any apparatus supply business which Mercury may have to be a separate subsidiary.

Condition 21—Prohibition of preferential treatment. This condition requires Mercury's systems business not to give preferential treatment to any apparatus supply business which it may have.

Condition 32—Prohibition of certain exclusive dealing arrangements. This condition would impose certain requirements on Mercury if it were deemed to be a Monopoly Purchaser of telecommunications apparatus.

Condition 36—Prohibition of non-statutory testing arrangements. This condition prevents Mercury from imposing tests on apparatus to be connected to its network, over and above those required for apparatus approval under the provisions of the Act.

Condition 37—Statutory testing. Mercury does not undertake statutory testing (and never has). Nor does it have any plans to enter this area of work.