



# Patents Act 1977

## 1977 CHAPTER 37

### PART III

#### MISCELLANEOUS AND GENERAL

##### *Legal Proceedings*

#### **107 Costs and expenses in proceedings before the comptroller.**

- (1) The comptroller may, in proceedings before him under this Act, by order award to any party such costs or, in Scotland, such expenses as he may consider reasonable and direct how and by what parties they are to be paid.
- (2) In England and Wales any costs awarded under this section shall, if [<sup>F1</sup>the county court] so orders, be recoverable [<sup>F2</sup>under section 85 of the County Courts Act 1984] or otherwise as if they were payable under an order of that court.
- (3) In Scotland any order under this section for the payment of expenses may be enforced in like manner as [<sup>F3</sup>a recorded decree arbitral][<sup>F3</sup>an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.]
- [<sup>F4</sup>(4) The comptroller may make an order for security for costs or expenses against any party to proceedings before him under this Act if—
  - (a) the prescribed conditions are met, and
  - (b) he is satisfied that it is just to make the order, having regard to all the circumstances of the case;and in default of the required security being given the comptroller may treat the reference, application or notice in question as abandoned.]
- (5) In Northern Ireland any order under this section for the payment of costs may be enforced as if it were a money judgment.

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*Changes to legislation: Patents Act 1977, Section 107 is up to date with all changes known to be in force on or before 23 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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#### Textual Amendments

- F1** Words in s. 107(2) substituted (E.W.S.) (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 52](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F2** Words in s. 107(2) substituted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 13 para. 43](#) (with s. 89); [S.I. 2014/768](#), art. 2(1)(b)
- F3** Words commencing “an extract registered” substituted (S.) for the words “a recorded decree arbitral” by [Debtors \(Scotland\) Act 1987 \(c. 18, SIF 45:2\)](#), s. 108(1), [Sch. 6 paras. 1, 20](#)
- F4** S. 107(4) substituted (1.10.2005) by [Patents Act 2004 \(c. 16\)](#), [ss. 15, 17\(1\)](#); [S.I. 2005/2471](#), art. 2(d) (with art. 4)

**Changes to legislation:**

Patents Act 1977, Section 107 is up to date with all changes known to be in force on or before 23 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 56(4)(a)(iiia) and word added by [S.I. 2006/1056 Sch. para. 2\(b\)](#) (This amendment comes into force on the day on which 2005 asp 13, s. 20 comes into force, see art. 1(2)(b))
- s. 63(3)(a) words in s. 63(3) renumbered as s. 63(3)(a) by [2004 c. 16 s. 2\(4\)](#) (Amendment not applied to legislation.gov.uk. S. 2(4) was repealed (29.4.2006) by S.I. 2006/1028, art. 2(4), Sch. 4)
- s. 63(3)(b) and word inserted by [2004 c. 16 s. 2\(4\)](#) (Amendment not applied to legislation.gov.uk. S. 2(4) was repealed (29.4.2006) by S.I. 2006/1028, art. 2(4), Sch. 4)