



Defence Contracts Act 1958

1958 CHAPTER 38 6 and 7 Eliz 2

1 Amendments of statutory provisions for use of patented inventions and registered designs for services of the Crown.

- (1) The following shall be substituted for subsection (6) of section forty-six of the ^{M1}Patents Act, 1949 (which section relates to the use of patented inventions for then services of the Crown) :—

“(6) For the purposes of this and the next following section “the services of the Crown” shall be deemed to include—

- (a) the supply to the government of ant country outside the United Kingdom, in pursuance of an agreement between Her Majesty’s Government in the United Kingdom and the government of that country, of articles required—
 - (i) for the defence of that country ; or
 - (ii) for the defence of any other country whose government is party to any agreement or arrangement with Her Majesty’s said Government in respect of defence matters ;
- (b) the supply to the United Nations, or to the government of any country belonging to that organisation, in pursuance of an agreement or arrangement between Her Majesty’s Government and that organisation or government, of articles required for any armend forces operating in pursuance of a resolution of that organisation or any organ of that organisation ;

and the power of a Government department or a person authorised by a Government department under this section to make, use and exercise an invention shall include power to sell to any such government or to the said organisation any articles the supply of which is authorised by this subsection, and to sell to any person any articles made in the exercise of the powers conferred by this section which are no longer required for the purpose for which they were made.”

- (2) Where any models, documents or information relating to an invention are used in connection with any such use of the invention as is described in subsection (1) of

Changes to legislation: There are currently no known outstanding effects for the Defence Contracts Act 1958, Section 1. (See end of Document for details)

section forty-seven of the ^{M2}Patents Act 1949, subsection (3) of section forty-six of that Act (which regulates in certain cases the terms on which inventions may be used for the services of the Crown under that section) shall, whether or not it applies to the use of the invention, apply to the use of the models, documents or information as if for the reference therein to the patentee there were substituted a reference to the person entitled to the benefit of any provision of an agreement which is rendered inoperative by the said section forty-seven in relation to that use; and in section forty-eight of that Act (which provides for the determination of disputes) the references to terms for the use of an invention shall be construed accordingly.

- (3) Nothing in section forty-seven of the ^{M3}Patents Act 1949, shall be construed as authorising the disclosure to a Government department or any other person of any model, document or information to the use of which that section applies in contravention of any such licence, assignment or agreement as is therein mentioned.
- (4) The foregoing provisions of this section shall apply in relation to registered designs as they apply in relation to patented inventions, and accordingly—
- (a) references to section forty-six of the ^{M4}Patents Act 1949, to subsections (3) and (6) of that section, to section forty-seven of that Act and to subsection (1) of that section shall include references to paragraph 1 of the First Schedule to the ^{M5}Registered Designs Act 1949, to sub-paragraphs (3) and (6) of that paragraph, to paragraph 2 of that Schedule and to sub-paragraph (1) of that paragraph, as the case may be; and
 - (b) in relation to registered designs, subsection (1) of this section shall have effect as if for the words “the next following section” there were substituted the words “the next following paragraph” and for the words “make, use and exercise” there were substituted the word “use”.

Modifications etc. (not altering text)

- C1** The text of s.1(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.
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Marginal Citations

- M1** 12, 13 & 14 Geo. 6. c. 87.
M2 1949 c. 87
M3 1949 c. 87.
M4 1949 c. 87.
M5 1949 c. 88.

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