



Trade Marks Act 1938 (repealed 31.10.1994)

1938 CHAPTER 22 1 and 2 Geo 6

GENERAL AND MISCELLANEOUS

Rules and fees

40 Power of Board of Trade to make rules.

- (1) The Board of Trade may from time to time make such rules, prescribe such forms and generally do such things as they think expedient—
 - (a) for regulating the practice under this Act, including the service of documents;
 - (b) for classifying goods for the purposes of registration of trade marks;
 - (c) for making or requiring duplicates of trade marks and other documents;
 - (d) for securing and regulating the publishing and selling or distributing, in such manner as the Board of Trade think fit, of copies of trade marks and other documents;
 - (e) generally, for regulating the business of the Patent Office in relation to trade marks and all things by this Act placed under the direction or control of the Registrar or of the Board of Trade.
- (2) ^{F1}
- (3) Before making any rules under this Act, the Board of Trade shall publish notice of their intention to make the rules and of the place where copies of the draft rules may be obtained, in such manner as the Board consider most expedient so as to enable persons affected to make representations to the Board before the rules are finally settled.
- (4) Any rules so made shall be forthwith advertised twice in the Trade Marks Journal, and shall be laid before both Houses of Parliament, . . . ^{F2}
- (5) If either House of Parliament, within the next forty days after any rules have been so laid before it, resolves that the rules or any of them ought to be annulled, the rule or rules shall henceforth be of no effect, but without prejudice to the validity of anything previously done thereunder or to the making of any new rule or rules.

Status: Point in time view as at 21/08/1991.

Changes to legislation: There are currently no known outstanding effects for the Trade Marks Act 1938 (repealed 31.10.1994), Cross Heading: Rules and fees. (See end of Document for details)

Subordinate Legislation Made

- P1** S. 40: for previous exercises of power see Index to Government Orders
- P2** S. 40: s. 40 (with s. 68(1)) power exercised by [S.I.1991/1431](#).
S. 40: s. 41 (with ss. 40 and 68(1)) power exercised by [S.I.1991/1898](#)
- P3** S. 40(1)(e) : power exercised by [S.I. 1991/675](#)

Textual Amendments

- F1** S. 40(2) repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), [Sch. 1 Pt. XII](#)
- F2** Words repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), [Sch. 1 Pt. XII](#)

[^{F3}40A Hours of business and excluded days.

- (1) Rules under section 40 of this Act may specify the hour at which the Patent Office shall be deemed to be closed on any day for purposes of the transaction by the public of business under this Act or of any class of such business, and may specify days as excluded days for any such purposes.
- (2) Any business done under this Act on any day after the hour specified as aforesaid in relation to business of that class, or on a day which is an excluded day in relation to business of that class, shall be deemed to have been done on the next following day not being an excluded day; and where the time for doing anything under this Act expires on an excluded day, that time shall be extended to the next following day not being an excluded day.]

Textual Amendments

- F3** S. 40A inserted by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(2), [Sch. 2 para. 2](#)

41 Fees.

There shall be paid in respect of applications and registration and other matters under this Act such fees as may be, with the sanction of the Treasury, prescribed by the Board of Trade.

Subordinate Legislation Made

- P4** S. 41: s. 41 (with ss. 40 and 68(1)) power exercised by [S.I.1991/1898](#)
For previous exercises of this power see Index to Government Orders

Status:

Point in time view as at 21/08/1991.

Changes to legislation:

There are currently no known outstanding effects for the Trade Marks Act 1938 (repealed 31.10.1994), Cross Heading: Rules and fees.