



# Patents Act 1949

## 1949 CHAPTER 87

### *Proceedings before Comptroller*

#### **81 Exercise of discretionary powers of comptroller**

Without prejudice to any provisions of this Act requiring the comptroller to hear any party to proceedings thereunder, or to give to any such party an opportunity to be heard, the comptroller shall give to any applicant for a patent, or for amendment of a specification, an opportunity to be heard before exercising adversely to the applicant any discretion vested in the comptroller by or under this Act.

#### **82 Costs and security for costs**

- (1) The comptroller may, in any proceedings before him under this Act, by order award to any party such costs as he may consider reasonable, and direct how and by what parties they are to be paid ; and any such order may be made a rule of court.
- (2) If any party by whom notice of any opposition is given under this Act or by whom application is made to the comptroller for the revocation of a patent or for the grant of a licence under a patent or for the determination of a dispute as to an invention under section fifty-six of this Act, or by whom notice of appeal is given from any decision of the comptroller under this Act, neither resides nor carries on business in the United Kingdom or the Isle of Man, the comptroller, or in the case of appeal, the Appeal Tribunal, may require him to give security for the costs of the proceedings or appeal, and in default of such security being given may treat the opposition, application or appeal as abandoned.

#### **83 Evidence before comptroller**

- (1) Subject to rules made by the Board of Trade under this Act the evidence to be given in any proceedings before the comptroller under this Act may be given by affidavit or statutory declaration; but the comptroller may if he thinks fit in any particular case take oral evidence in lieu of or in addition to such evidence as aforesaid, and may allow any witness to be cross-examined on his affidavit or declaration.

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (2) Subject to any such rules as aforesaid, the comptroller shall, in respect of the examination of witnesses on oath and the discovery and production of documents, have all the powers of an official referee of the Supreme Court, and the rules applicable to the attendance of witnesses in proceedings before such a referee shall apply to the attendance of witnesses in proceedings before the comptroller.