



Patents Act 1949

1949 CHAPTER 87

Rules, etc.

94 General power of Board of Trade to make rules, etc.

- (1) Subject to the provisions of this Act, the Board of Trade may make such rules as they think expedient for regulating the business of the Patent Office in relation to patents and for regulating all matters by this Act placed under the direction or control of the comptroller or the Board, and in particular, but without prejudice to the generality of the foregoing provision—
 - (a) for prescribing the form of applications for patents and of any specifications, drawings or other documents which may be filed at the Patent Office, and for requiring copies to be furnished of any such documents;
 - (b) for regulating the procedure to be followed in connection with any application or request to the comptroller or in connection with any proceeding before the comptroller and for authorising the rectification of irregularities of procedure;
 - (c) for regulating the keeping of the register of patents and the registration of patent agents, and for authorising, in such cases as may be prescribed by the rules, the erasure from the register of patent agents of the name of any person registered therein or the suspension of the right of any such person to act as a patent agent;
 - (d) for authorising the publication and sale of copies of specifications, drawings and other documents in the Patent Office, and of indexes to and abridgements of such documents;
 - (e) for prescribing anything authorised or required by this Act to be prescribed by rules made by the Board.
- (2) Rules made under this section shall provide for the publication by the comptroller—
 - (a) of a journal (in this Act referred to as "the Journal") containing particulars of applications for patents and other proceedings under this Act; and
 - (b) of reports of cases relating to patents, trade marks and registered designs decided by the comptroller, the Appeal Tribunal or any court.

95 Provisions as to rules and Orders

- (1) Any rules made by the Board of Trade under this Act shall be advertised twice in the Journal.
- (2) Any rules made by the Board of Trade in pursuance of section seventy-one or section seventy-two of this Act, and any order made, direction given, or other action taken under the rules by the comptroller, may be made, given or taken so as to have effect as respects things done or omitted to be done on or after such date, whether before or after the coming into operation of the rules or of this Act, as may be specified in the rules.
- (3) Any power to make rules conferred by this Act on the Board of Trade or on the Appeal Tribunal shall be exercisable by statutory instrument; and the Statutory Instruments Act, 1946, shall apply to a statutory instrument containing rules made by the Appeal Tribunal in like manner as if the rules had been made by a Minister of the Crown.
- (4) Any statutory instrument containing rules made by the Board of Trade under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Any Order in Council made under this Act may be revoked or varied by a subsequent Order in Council.

96 Proceedings of Board of Trade

- (1) Anything required or authorised by this Act to be done by, to or before the Board of Trade may be done by, to or before the President of the Board of Trade, any secretary, under-secretary or assistant secretary of the Board, or any person authorised in that behalf by the President.
- (2) All documents purporting to be orders made by the Board of Trade and to be sealed with the seal of the Board, or to be signed by a secretary, under-secretary or assistant secretary of the Board, or by any person authorised in that behalf by the President of the Board, shall be received in evidence, and shall be deemed to be such orders without further proof, unless the contrary is shown.
- (3) A certificate, signed by the President of the Board of Trade, that any order made or act done is the order or act of the Board, shall be conclusive evidence of the fact so certified.