



Registered Designs Act 1949

1949 CHAPTER 88 12 13 and 14 Geo 6

[^{F1}Meaning of “the court” and appeals]

Textual Amendments

- F1** S. 27 cross-heading inserted (1.10.2017) by [Intellectual Property \(Unjustified Threats\) Act 2017](#) (c. 14), [ss. 4\(4\)](#), 8; S.I. 2017/771, reg. 2(1)(b) (with reg. 3)

^{F2}27 The court.

- (1) In this Act “ the court ” means—
- (a) in England and Wales the High [^{F3}Court,]
 - (b) in Scotland, the Court of Session, and
 - (c) in Northern Ireland, the High Court.
- (2) Provision may be made by rules of court with respect to proceedings in the High Court in England and Wales for references and applications under this Act to be dealt with by such judge of that court as the [^{F4}Lord Chief Justice of England and Wales may, after consulting the Lord Chancellor, select] for the purpose.]
- ^{F5}(3) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under subsection (2).]

Textual Amendments

- F2** S. 27 substituted by [Copyright, Designs and Patents Act 1988](#) (c. 48, SIF 67A), s. 272, [Sch. 3 para. 16](#)
- F3** Word in s. 27(1)(a) substituted (1.10.2013) by [Crime and Courts Act 2013](#) (c. 22), s. 61(3), [Sch. 9 para. 21\(2\)](#); S.I. 2013/1725, art. 3(c)
- F4** Words in s. 27(2) substituted (3.4.2006) by [Constitutional Reform Act 2005](#) (c. 4), s. 148(1), [Sch. 4 para. 36\(2\)](#); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(d)
- F5** S. 27(3) inserted (3.4.2006) by [Constitutional Reform Act 2005](#) (c. 4), s. 148(1), [Sch. 4 para. 36\(3\)](#); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(d)

Changes to legislation: Registered Designs Act 1949, Cross Heading: Meaning of “the court” and appeals is up to date with all changes known to be in force on or before 21 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

[^{F6}27A Appeals from decisions of registrar

- (1) An appeal against a decision of the registrar under this Act may be made to—
 - (a) a person appointed by the Lord Chancellor (an “appointed person”), or
 - (b) the court.
- (2) On an appeal under this section to an appointed person, the appointed person may refer the appeal to the court if—
 - (a) it appears to the appointed person that a point of general legal importance is involved,
 - (b) the registrar requests that the appeal be so referred, or
 - (c) such a request is made by any party to the proceedings before the registrar in which the decision appealed against was made.
- (3) Before referring an appeal to the court under subsection (2), the appointed person must give the appellant and any other party to the appeal an opportunity to make representations as to whether it should be so referred.
- (4) Where, on an appeal under this section to an appointed person, the appointed person does not refer the appeal to the court—
 - (a) the appointed person must hear and determine the appeal, and
 - (b) the appointed person's decision is final.
- (5) Sections 30 and 31 (costs, evidence) apply to proceedings before an appointed person as they apply to proceedings before the registrar.
- (6) In the application of this section to England and Wales, “the court” means the High Court.

Textual Amendments

F6 Ss. 27A, 27B inserted (15.7.2014 for specified purposes, 6.4.2015 in so far as not already in force) by [Intellectual Property Act 2014 \(c. 18\), ss. 10\(2\), 24\(1\); S.I. 2014/1715, art. 3; S.I. 2015/165, art. 3](#)

27B Persons appointed to hear and determine appeals

- (1) A person is not eligible for appointment under section 27A(1)(a) unless the person—
 - (a) satisfies the judicial-appointment eligibility condition on a 5-year basis,
 - (b) is an advocate or solicitor in Scotland of at least 5 years' standing,
 - (c) is a member of the Bar of Northern Ireland or solicitor of the Court of Judicature of Northern Ireland of at least 5 years' standing, or
 - (d) has held judicial office.
- (2) An appointed person must hold and vacate office in accordance with his terms of appointment, subject to subsections (3) to (5).
- (3) An appointed person is to be paid such remuneration (whether by way of salary or fees) and such allowances as the Secretary of State may with the approval of the Treasury decide.
- (4) An appointed person may resign office by notice in writing to the Lord Chancellor.

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- (5) The Lord Chancellor may by notice in writing remove an appointed person (“A”) from office if—
- (a) A has become bankrupt or made an arrangement with A's creditors or, in Scotland, A's estate has been sequestrated or A has executed a trust deed for A's creditors or entered into a composition contract,
 - (b) A is incapacitated by physical or mental illness, or
 - (c) A is, in the opinion of the Lord Chancellor, otherwise unable or unfit to perform A's duties as an appointed person.
- (6) Before exercising a power under section 27A or this section, the Lord Chancellor must consult the Secretary of State.
- (7) The Lord Chancellor may remove a person from office under subsection (5) only with the concurrence of the appropriate senior judge.
- (8) The appropriate senior judge is the Lord Chief Justice of England and Wales, unless—
- (a) the person to be removed exercises functions wholly or mainly in Scotland, in which case it is the Lord President of the Court of Session, or
 - (b) the person to be removed exercises functions wholly or mainly in Northern Ireland, in which case it is the Lord Chief Justice of Northern Ireland.]

Textual Amendments

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F728 The Appeal Tribunal.

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Textual Amendments

F7 S. 28 repealed (6.4.2015) by [Intellectual Property Act 2014 \(c. 18\), ss. 10\(4\), 24\(1\)](#); S.I. 2015/165, art. 3

Changes to legislation:

Registered Designs Act 1949, Cross Heading: Meaning of “the court” and appeals is up to date with all changes known to be in force on or before 21 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. 22(1)(aa) and word inserted by [2014 c. 18 s. 9\(2\)](#)
- s. 22(5) inserted by [2014 c. 18 s. 9\(4\)](#)
- s. 22(6)(7) inserted by [2014 c. 18 s. 9\(5\)](#)