



Trade Descriptions Act 1972

1972 CHAPTER 34

An Act to require certain names and marks applied to imported goods to be accompanied by an indication of origin. [29th June 1972]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Indication of origin on certain imported goods.

- (1) Where a name or mark which—
 - (a) is a United Kingdom name or mark; or
 - (b) is likely to be taken for a United Kingdom name or mark (whether or not such a United Kingdom name or mark actually exists);is applied to goods manufactured or produced outside the United Kingdom, subsection (2) of this section shall apply except as otherwise provided by or under this section.
- (2) If any person, in the course of a trade or business, supplies or offers to supply the goods, then, unless—
 - (a) the name or mark is accompanied by a conspicuous indication of the country in which the goods were manufactured or produced; or
 - (b) the name or mark is neither visible in the state in which the goods are supplied or offered nor likely to become visible on such inspection as may reasonably be expected to be made of the goods by a person to whom they are to be supplied;the person supplying or offering to supply the goods shall, subject to the provisions of this Act, be guilty of an offence.
- (3) Subsection (2) of this section does not apply to secondhand goods.

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- (4) Subsection (2) of this section does not apply to goods used or to be used as containers or labels for other goods supplied or offered to be supplied in the course of a trade or business.
- (5) If the Secretary of State is satisfied, after considering such representations (if any) as may be made to him by persons appearing to him to have a substantial interest in the matter, that the interests of persons in the United Kingdom to whom goods of any description may be supplied or to whom goods may be supplied under any designation would not be materially impaired by his doing so and that it is desirable for him to do so, he may by statutory instrument give directions for excluding or relaxing the provisions of subsection (2) of this section in relation to goods of that description or in relation to that designation, either generally or in such circumstances or subject to such conditions as may be specified in the direction; and any such direction may be given for a limited time or indefinitely and may be withdrawn or varied by a further direction under this subsection.
- (6) In this Act—
- “ container or label ” includes anything in, on or with which goods are supplied or offered to be supplied;
 - “ name ” includes any abbreviation of a name;
 - “ United Kingdom name or mark ” means any of the following, that is to say—
 - (a) the name of any person carrying on a trade or business in the United Kingdom;
 - (b) the name of any part of, or area, place, or geographical feature in, the United Kingdom;
 - (c) a trade mark of which a person carrying on a trade or business in the United Kingdom is the proprietor or registered user; and
 - (d) a certification trade mark of which a person in the United Kingdom is the proprietor; and
 - “ trade mark ” and “ certification trade mark ” have the same meanings as in the Trade Marks Act 1938.

2 Defences.

- (1) Without prejudice to section 24 of the Trade Descriptions Act 1968 as applied by section 3 of this Act, where a person is charged with an offence under this Act it shall be a defence for him to prove—
- (a) that the name or mark had not been applied by him and that he did not know, and could not, with reasonable diligence, have ascertained that the goods were manufactured or produced outside the United Kingdom; or
 - (b) that he did not know, and had no reason to believe, that the name or mark was, or was likely to be taken for, a United Kingdom name or mark.
- (2) The definition of “ United Kingdom name or mark ” in section 1(6) of this Act shall apply for the purposes of this section with the omission of paragraph (b).

3 Application of Trade Descriptions Act 1968.

Section 4(1) of the Trade Descriptions Act 1968 shall apply, with the necessary modifications and with the omission of paragraph (c), for determining for the purposes

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of this Act whether a name or mark (whether a trade description or not) is applied to any goods; and this Act shall be construed, and that Act shall have effect, as if this Act were included among the provisions of that Act.

4 Citation, commencement and extent.

- (1) This Act may be cited as the Trade Descriptions Act 1972 and this Act and the Trade Descriptions Act 1968 may be cited together as the Trade Descriptions Acts 1968 and 1972.
- (2) This Act, except section 1(5), shall not come into force until the expiration of the period of six months beginning with the date on which it is passed.
- (3) This Act extends to Northern Ireland.