



Registered Designs Act 1949

1949 CHAPTER 88 12 13 and 14 Geo 6

Rules, etc.

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

(1) Subject to the provisions of this Act, [^{F1}the Secretary of State,] may make such rules [^{F1}as he thinks expedient] for regulating the business of the Patent Office in relation to designs and for regulating all matters by this Act placed under the direction or control of the registrar or [^{F1}the Secretary of State,] . . . ^{F2}.

[^{F3}(1A) Rules may, in particular, make provision—

- (a) prescribing the form of applications for registration of designs and of any representations or specimens of designs or other documents which may be filed at the Patent Office, and requiring copies to be furnished of any such representations, specimens or documents;
- (b) regulating the procedure to be followed in connection with any application or request to the registrar or in connection with any proceeding before him, and authorising the rectification of irregularities of procedure;
- (c) providing for the appointment of advisers to assist the registrar in proceedings before him;
- (d) regulating the keeping of the register of designs;
- (e) authorising the publication and sale of copies of representations of designs and other documents in the Patent Office;
- (f) prescribing anything authorised or required by this Act to be prescribed by rules.

(1B) The remuneration of an adviser appointed to assist the registrar shall be determined by the Secretary of State with the consent of the Treasury and shall be defrayed out of money provided by Parliament.]

(2) Rules made under this section may provide for the establishment of branch offices for designs and may authorise any document or thing required by or under this Act to be filed or done at the Patent Office to be filed or done at the branch office at Manchester or any other branch office established in pursuance of the rules.

Status: Point in time view as at 16/07/1991.

Changes to legislation: Registered Designs Act 1949, Cross Heading: Rules, etc. is up to date with all changes known to be in force on or before 04 May 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)

Subordinate Legislation Made

- P1 S. 36: for previous exercises of this power see Index to Government Orders
- P2 S. 36: s. 36 (with ss. 40 and 44(1)) power exercised by S.I. 1991/1628
- P3 S. 36:s. 36(1):power exercised by S.I. 1991/675

Textual Amendments

- F1 Words substituted by Copyright, Designs and Patents Act 1988 (c. 48, SIF 67A), s. 272, **Sch. 3 para. 26(2)**
- F2 Words repealed by Copyright, Designs and Patents Act 1988 (c. 48, SIF 67A), s. 272, **Sch. 3 para. 26(3)**
- F3 S. 36(1A)(1B) added by Copyright, Designs and Patents Act 1988 (c. 48, SIF 67A), s. 272, **Sch. 3 para. 26(3)**

Modifications etc. (not altering text)

- C1 S. 36 extended by Copyright Act 1956 (c. 74), s. 10(5)

37 Provisions as to rules and Orders.

- (1) F4
- (2) Any rules made by [^{F5}the Secretary of State] in pursuance of section fifteen or section sixteen of this Act, and any order made, direction given, or other action taken under the rules by the registrar, 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 [^{F5}the Secretary of State] or on the Appeal Tribunal shall be exercisable by statutory instrument; and the ^{MI}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 [^{F5}the Secretary of State] 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.

Textual Amendments

- F4 S. 37(1) repealed by Copyright, Designs and Patents Act 1988 (c. 48, SIF 67A), ss. 272, 303(2), Sch. 3 para. 27(2), **Sch. 8**
- F5 Words substituted by Copyright, Designs and Patents Act 1988 (c. 48, SIF 67A), s. 272, **Sch. 3 para. 27(3)**

Marginal Citations

- M1 1946 c. 36.

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- (1) F6

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- (2) F7
(3) F7

Textual Amendments

- F6** S. 38(1) repealed by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), ss. 272, 303(2), Sch. 3 para. 28, [Sch. 8](#)
- F7** S. 38(2)(3) repealed by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), ss. 272, 303(2), Sch. 3 para. 28, [Sch. 8](#)

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