



# Registered Designs Act 1949

## 1949 CHAPTER 88

*Rules, etc.*

### **36 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 designs and for regulating all matters by this Act placed under the direction or control of the registrar or the Board, and in particular, but without prejudice to the generality of the foregoing provision—
- (a) for 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 for requiring copies to be furnished of any such representations, specimens or documents;
  - (b) for regulating the procedure to be followed in connection with any application or request to the registrar or in connection with any proceeding before the registrar and for authorising the rectification of irregularities of procedure;
  - (c) for regulating the keeping of the register of designs ;
  - (d) for authorising the publication and sale of copies of representations of designs and other documents in the Patent Office;
  - (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 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.

### **37 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.

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*Status: This is the original version (as it was originally enacted).*

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- (2) Any rules made by the Board of Trade 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 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.

### **38 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.