MERCHANDISE MARKS

1960 No. 2411

The Merchandise Marks (Imported Goods) No. 1 Order, 1960

Laid before Parliament in draft

Made - - - - 21*st December*, 1960
Coming into Operation 22*nd December*, 1961

At the Court at Buckingham Palace, the 21st day of December, 1960

Present,

The Queen's Most Excellent Majesty in Council

Whereas the question whether the Merchandise Marks (Imported Goods) No. 5 Order, 1929(a), as amended(b) (hereinafter referred to as " the principal Order "), should be further amended in the manner hereinafter appearing was referred to the appropriate committee appointed under the Merchandise Marks Act, 1926(c); and, the report of the committee having been taken into consideration, the Board of Trade have made a representation to Her Majesty that it is desirable that the principal Order should be amended in the manner hereinafter appearing:

And Whereas a draft of this Order has lain before Parliament for a period of forty days in accordance with Section 7 of the said Act and sub-section (2) of Section 6 of the Statutory Instruments Act, 1946(d), and neither House of Parliament has resolved that the draft be not submitted to Her Majesty:

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, in pursuance of the powers conferred by Section 2 and subsection (2) of Section 7 of the Merchandise Marks Act, 1926, is pleased to order, and it is hereby ordered, as follows:—

1. Except in relation to any implement or tool imported into the United Kingdom before the date on which this Order comes into operation the principal Order shall have effect as if for Part IV thereof (which relates to implements and tools) there were substituted the following:—

" PART IV

Implements and Tools

21. This Part of this Order applies to goods of the following descriptions:—

(*a*) Hand tools, the operative part of which is made of metal (whether tipped with other substance or not), ordinarily used by workpeople in their trade or employment, including agricultural and horticultural hand tools;

(*b*) Saws, twist drills and bits for fitting into machines;

(a) S.R. & O. 1929/1203 (Rev. XIII, p. 487: 1929, p. 885).
(b) S.R. & O. 1931/553, 1934/501 (Rev. XIII, p. 487: 1931, p. 774; 1934 I, p. 1160).
(c) 16 & 17 Geo. 5. c. 53. (d) 9 & 10 Geo. 6 .c. 36.

(*c*) Metal vices and cramps ;

(*d*) Marking gauges of metal, squares and bevels, metal vernier gauges, thickness gauges or feeders, engineers' rules of metal, and steel measuring tapes ;

(*e*) Tuning forks ;

(*f*) Permanent magnets ;

(*g*) Letter and number marks.

22. It shall not be lawful to import into the United Kingdom goods of any of the descriptions set out in the Second Schedule to this Order, being goods to which this Part of this Order applies, unless they bear an indication of origin applied in accordance with the provisions of Article 24 of this Order.

23. It shall not be lawful to sell or expose for sale in the United Kingdom any goods to which this Part of this Order applies unless they bear an indication of origin applied in accordance with such provisions.

24. The indication of origin shall be applied—

(*a*) to each article by die-stamping or other mode of impressing, etching, engraving or casting, and

(*b*) to any carton or container in which, or to the front of any card on which, the article is imported, sold or exposed for sale as the case may be, by branding, printing or stamping.

25. In the case of any article which is less than $\frac{1}{8}$ of an inch in diameter, or to which, by reason of the smallness of its size, it is not practicable to apply an indication of origin in the manner prescribed in paragraph (*a*) of Article 24 of this Order, an indication of origin shall not be so applied.

26. Nothing in this Part of this Order shall apply to toys.

27. Goods to which this Part of this Order applies shall bear the indication of origin therein provided on exposure for sale wholesale—

(*a*) in a case in which the goods are of a description set out in the Second Schedule to this Order, whether or not the person so exposing them is a wholesale dealer, and

(*b*) in any other case, only if the person so exposing them is not a wholesale dealer.".

2. For references in the principal Order to the Schedule there shall be substituted references to the First Schedule, and after that Schedule there shall be inserted as Second Schedule to that Order the Schedule to this Order.

3.—(1) The Interpretation Act, 1889(**a**), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(2) This Order may be cited as the Merchandise Marks (Imported Goods) No. 1 Order, 1960, and shall come into operation twelve months after the date on which it is made.

W. G. Agnew.

(**a**) 52 & 53 Vict. c. 63.

SCHEDULE

Shears, garden or horticultural, comprising grass cutting, hedge cutting, edging or border, lawn, lopping or pruning; forks; shovels; spades; hoes; rakes; scythes; sickles; hooks, grass, reaping, slashing, bill; axes; hatchets; adzes; matchets; pliers; pincers; nippers; wrenches; spanners; lifting jacks; tyre levers; braces; breast drills; hand drills; circular saws; hacksaws and hacksaw blades; bandsaw blades; jigsaw blades; fretsaw blades; saws, hand, back, pruning, and all other saws for use by hand; files; rasps; vices, pipe cutters, clamps and cramps, whether of metal or wood; hammers of all types for use by hand, with or without handles; mallets; screw-drivers; callipers; chisels, woodworking or solid steel; levels; planes; punches; rules; scrapers, carpenters', engineers', painters', ship; squares, try; squares, cylindrical (precision steel or metal cylinder whose ends form a true square to the sides, used for testing squares in toolroom work); squares, block (precision steel or metal cube or rectangular block used for testing squares in toolroom work); metal measuring tapes and bands, tapes, woven of linen, cotton or other fabric, graduated or marked for the purpose of taking any form of measurement; trowels; combination sets (a combination set comprises a steel or metal rule or straight edge, on which is mounted one or more of the following metal instruments or heads, which are used in conjunction with the rule or straight edge for deducing or marking out the following: square head for squareness, protractor head for angle determination, centre head for determining centres); broaches (five-sided); drills; reamers; countersinks; bits; threading dies and taps; stocks and wrenches.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

The Merchandise Marks (Imported Goods) No. 5 Order, 1929, (Part IV) (S.R. & O. 1929/1203), as amended, prohibits the sale or exposure for sale in the United Kingdom of imported implements and tools of various descriptions unless they bear an indication of origin.

This Order further amends that Order by

(*a*) prohibiting the importation into, as well as the sale or exposure for sale in, the United Kingdom of certain implements and tools falling within those descriptions, unless they bear an indication of origin; and

(*b*) providing for the indication of origin to be applied to containers in which, and to cards on which, an article is imported, sold or exposed for sale.