STATUTORY INSTRUMENTS

1964 No. 2033
MERCHANDISE MARKS

The Merchandise Marks (Imported Goods) No. 12 Order 1933 Amendment Order 1964

Laid before Parliament in draft

Made - - - - 22*nd December* 1964
Coming into Operation 23*rd September* 1965

At the Court at Buckingham Palace, the 22nd day of December 1964

Present,

The Queen's Most Excellent Majesty in Council

Whereas the question whether the Merchandise Marks (Imported Goods) No. 12 Order 1933(a) (hereinafter referred to as " the said Order ") should be amended in the manner hereinafter appearing was referred to the appropriate Committee appointed under the Merchandise Marks Act 1926(b); and, the report of the Committee having been taken into consideration, the Board of Trade have represented to Her Majesty that it is desirable that the said Order should accordingly be amended;

And whereas a draft of this Order has lain before Parliament for a period of 40 days in accordance with section 7 of the said Act and section 6(2) of the Statutory Instruments Act 1946(c) 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 and in pursuance of the powers conferred by sections 2 and 7 of the Merchandise Marks Act 1926, is pleased to order, and it is hereby ordered, as follows:—

1. The said Order shall have effect subject to the following amendments:—

(i) for Article 1 there shall be substituted the following Article—

" 1. It shall not be lawful to import into the United Kingdom any goods of the following descriptions, nor to sell or expose for sale in the United Kingdom any such goods which have been so imported, unless they bear an indication of origin—

(*a*) pencils consisting of strips made wholly or partly of graphite, carbon, chalk, gypsum, talc, colours or dyestuffs, encased in wood, paper, or other materials, but not including propelling pencils;

(*b*) pencil strips of the descriptions set out above, including those for propelling and other mechanical pencils."

(ii) for Article 4 there shall be substituted the following Article—

" 4. Goods to which this Order applies shall bear the indication of origin on exposure for sale wholesale whether or not the person so exposing the goods is a wholesale dealer."

(iii) Articles 5 and 6 shall be omitted.

(a) S.R. & O. 1933/659 (Rev. XIII, p. 570: 1933, p. 1348).
(b) 16 & 17 Geo. 5. c. 53. (c) 9 & 10 Geo. 6. c. 36.

2.—(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. 12 Order 1933 Amendment Order 1964 and shall come into operation on the expiration of the period of 9 months beginning with the date of this Order.

W. G. Agnew.

EXPLANATORY NOTE

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

The Merchandise Marks (Imported Goods) No. 12 Order 1933 prohibits the sale or exposure for sale in the United Kingdom of imported pencils and pencil strips, unless they bear an indication of origin applied in the manner specified in the Order.

This Order, which comes into operation 9 months after it is made, amends that Order by applying the prohibition at the time of importation as well as at the time of sale and exposure for sale. The requirements relating to the indication of origin now apply to exposure for sale wholesale whether or not the person exposing the goods is a wholesale dealer ; they previously applied to such exposure only if the person exposing the goods was not a wholesale dealer.

The report referred to in the Order is contained in Command Paper No. 2182.

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