1965 No. 2160

MERCHANDISE MARKS

The Merchandise Marks (Imported Goods) No. 2 Order 1928 Amendment No. 2 Order 1965

Laid before Parliament in Draft
Made - - - - 22nd December 1965
Coming into Operation 31st December 1965

At the Court at Buckingham Palace, the 22nd day of December 1965

Present,

The Queen's Most Excellent Majesty in Council

Whereas the question whether the Merchandise Marks (Imported Goods) No. 2 Order 1928(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 represented to Her Majesty that it is desirable that the principal Order should accordingly be further 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(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 sections 2 and 7 of the Merchandise Marks Act 1926, is pleased to order, and it is hereby ordered, as follows:—

1. The principal Order shall have effect subject to the amendment that for article 13 there shall be substituted the following article:—

" 13. The indication of origin shall be applied to the goods specified in column 1 below in the manner prescribed in relation to those goods in column 2—

Column 1	Column 2
1. (*a*) Electric incandescent lamps of ornamental design with a bulb to which (on account of its uneven surface) it is not practically possible to apply the indication of origin to the bulb.	

(a) S.R. & O. 1928/570 (Rev. XIII, p. 450: 1928, p. 844). (b) The relevant amending instruments are S.I. 1964/912, 1965/124 (1964 II, p. 1944; 1965 I, p. 237).
(c) 16 & 17 Geo. 5. c. 53. (d) 9 & 10 Geo. 6. c. 36.

Column 1	Column 2
(*b*) Electric incandescent lamps, the bulb of which is 55 millimetres or less in diameter and internally coated on its top half with an obscuring finish. (*c*) Electric incandescent projection lamps having a glass bulb, the external surface of which is coated with an obscuring finish except for a clear area for light emission.	(i) Indelibly stamped, embossed, incised or impressed on the cap of the lamp; and (ii) indelibly marked on the carton, wrapper or other container in which the lamp is imported, sold or exposed for sale, as the case may be.
2. (*a*) Pea-bulbs. (*b*) Surgical instrument lamps. (*c*) Other electric incandescent lamps, the bulb of which is 15 millimetres or less in diameter.	Indelibly marked on the carton, wrapper or other container in which the lamp is imported, sold, exposed for sale or from which it is sold, as the case may be.
3. Electric incandescent lamps, the bulb of which is over 15 millimetres and not over 35 millimetres in diameter.	(i) Indelibly stamped, embossed, incised or impressed on the cap of the lamp, or indelibly marked on the bulb; and (ii) indelibly marked on the carton, wrapper or other container in which the lamp is imported, sold or exposed for sale, as the case may be.
4. Any other electric incandescent lamp.	(i) Indelibly marked on the bulb; and (ii) indelibly marked on the carton, wrapper or other container in which the lamp is imported, sold or exposed for sale, as the case may be."

2. The Merchandise Marks (Imported Goods) No. 2 Order 1928 Amendment Order 1964(**a**) and the Merchandise Marks (Imported Goods) No. 2 Order 1928 Amendment Order 1965(**b**) are hereby revoked.

3.—(1) The Interpretation Act 1889(**c**) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Orders hereby revoked were Acts of Parliament.

(**a**) S.I. 1964/912 (1964 II, p. 1944). (**b**) S.I. 1965/124 (1965 I, p. 237).
(**c**) 52 & 53 Vict. c. 63.

(2) This Order may be cited as the Merchandise Marks (Imported Goods) No. 2 Order 1928 Amendment No. 2 Order 1965 and shall come into operation on 31st December 1965.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order.)

The Merchandise Marks (Imported Goods) No. 2 Order 1928, as amended, prohibits the importation into, or the sale or exposure for sale in, the United Kingdom of imported electric incandescent lamps unless they bear an indication of origin applied in the manner specified in the Order.

This Order varies the manner in which the indication of origin is to be applied to electric incandescent lamps, the bulb of which is 55 mm. or less in diameter and internally coated on its top half with an obscuring finish. The indication of origin is now required to be indelibly stamped, embossed, incised or impressed on the cap: previously it was required to be indelibly marked on the bulb. The requirement that the indication shall also be indelibly marked on the carton, wrapper or other container in which the lamp is imported, sold or exposed for sale, as the case may be, remains unchanged. (A Direction was made on the 6th January 1965 (S.I. 1965/17) provisionally modifying the 1928 Order in the same way as this Order.) The requirements as to the manner of marking other electric incandescent lamps also remain unchanged.

This Order revokes two earlier amending Orders (S.I. 1964/912 and 1965/124), the effects of which are incorporated in this Order. This measure of consolidation was recommended in the Report referred to in this Order (Command Paper No. 2677).