The goods are to bear the indication of origin on importation, sale or exposure for sale and the requirement applies to exposure for sale wholesale whether or not the person exposing the article is a wholesale dealer.

The manner in which the indication of origin is to be applied is specified in Article 2 and the expression " wire " is defined in Article 4.

1959 No. 866

The Merchandise Marks (Imported Goods) No. 2 Order, 1928, Amendment Order, 1959

Laid before Parliament in draft
Made - - - - 13*th May*, 1959
Coming into Operation 13*th November*, 1959

At the Court at Buckingham Palace, the 13th day of May, 1959

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 standing 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 further 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 subsection (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 pottery 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 I thereof (which relates to pottery) there were substituted the following:—

" PART I

Pottery

1. It shall not be lawful to import into the United Kingdom any pottery to which this Order applies, nor to sell or expose for sale in the United Kingdom any such pottery which has been so imported, unless it bears an indication of origin.

(a) S.R. & O. 1928/570 (Rev. XIII, p. 450: 1928, p. 844).
(b) S.R. & O. 1931/127, 1939/393 (Rev. XIII, p. 450: 1931, p. 767; 1939 II, p. 1982).
(c) 16 & 17 Geo. 5. c. 53.
(d) 9 & 10 Geo. 6. c. 36.

2. This part of this Order applies to pottery of the following descriptions:—

(*a*) translucent pottery (including china and porcelain), earthenware (including vitrified ware and semi-porcelain, but not including terra-cotta ware), stoneware, glazed red ware, glazed yellow ware, glazed brown ware, jet, rockingham, samian, being in the case of each description—

(i) articles commonly used in connection with the preparation, serving or consumption of food or drink ; or

(ii) articles (whether functional or ornamental) of a kind commonly used for any domestic purpose, other than the preparation, serving or consumption of food or drink ; or

(iii) articles of heraldic ware or souvenir ware (including articles bearing any heraldic or similar device or any motto or monogram or any picture of a place in the United Kingdom or any phrase in the English language) ; or

(iv) articles for mounting, that is to say, articles made for the purpose of being united with other articles or material so as to form a composite article ; or

(v) toys ;

(*b*) pottery tiles, being—

(i) floor tiles for tessellated pavements ; or

(ii) glazed wall tiles and glazed hearth tiles ;

(*c*) (i) sanitary earthenware, white or cane and white ;

(ii) enamelled sanitary ware of fireclay ;

(iii) other sanitary ware (not including drain pipes).

3. (1) The indication of origin shall be stamped, printed, embossed or impressed on each article indelibly except that:

(*a*) where a pot, bowl or dish itself bears an indication of origin any separate but accompanying lid or cover thereof need not be marked ;

(*b*) if any article described in sub-heads (ii), (iv) or (v) of head (*a*) of Article 2 of this Order has no single area suitable for marking greater than one quarter of one square inch the indication of origin may be stamped or printed in a contrasting colour on a label securely fastened or affixed to the article ;

(*c*) if any article described in head (*a*) of Article 2 of this Order is imported, sold or exposed for sale in a container or on a card and is of a size so small or of a shape or surface so peculiar that it is not reasonably practicable to apply an indication of origin to the article itself or, in the case of an article to which sub-paragraph (*b*) hereof applies, to a label securely fastened or affixed thereto, it shall be sufficient compliance with this Order if the indication of origin is clearly stamped or printed on the container or card in or on which the article is imported, sold or exposed for sale as the case may be.

(2) Notwithstanding the provisions of paragraph (1) of this Article if any article of pottery specified in head (*c*) of Article 2 of this Order is exposed for sale under conditions which do not afford reasonable facility to prospective purchasers for inspecting the indication of origin stamped, printed, embossed or impressed on it at the time of importation in accordance with the provisions of paragraph (1) of this Article, the indication of origin on exposure for sale shall also be applied by means of an adhesive label securely and conspicuously affixed thereto.

4. (1) Nothing in this Order shall extend to any pottery (not being an article of heraldic ware or souvenir ware) which is:—

(*a*) an object of art wholly or mainly for ornament of an age exceeding 100 years or which is shown to be not produced in quantity for general sale to the public ; or

(*b*) a subsidiary part of a composite article in which the pottery is united with other material ; or

(*c*) a handle or knob for mounting on a knife, fork, spoon, server, toilet article, walking stick, umbrella or handbag.

(2) Nothing in this Order shall apply to the importation of an article, or set of articles, the landed cost of which does not exceed 3d. each article or set of articles, as the case may be, nor to the sale or exposure for sale of any article or set of articles, where the price paid by the person selling or exposing it for sale did not exceed 4½d. each article or set of articles, as the case may be.

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

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. 2 Order, 1928, Amendment Order, 1959, and shall come into operation on the 13th day of November, 1959.

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. 2 Order, 1928, (Part I) (S.R. & O. 1928, No. 570), as amended, prohibits the importation into and sale in the United Kingdom of imported pottery of various descriptions unless it bears an indication of origin.

This Order further amends that Order by extending its provisions to cover stoneware, glazed red ware, glazed yellow ware, glazed brown ware, ornamental pottery, pottery for mounting and pottery toys. It also provides alternative methods of applying the indication of origin to articles of pottery where, owing to their small size or peculiarity of shape or surface, it is not reasonably practicable to apply it to the articles themselves.

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