STATUTORY INSTRUMENTS

1964 No. 914

MERCHANDISE MARKS

The Merchandise Marks (Imported Goods) Order 1964

Laid before Parliament in draft

Made - - - - 23*rd June* 1964

Coming into Operation 1*st February* 1965

At the Court at Buckingham Palace, the 23rd day of June 1964

Present,

The Queen's Most Excellent Majesty in Council

Whereas an enquiry in relation to the classes and descriptions of goods to which this Order applies has been held by the appropriate Committee appointed under the Merchandise Marks Act 1926(a); 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 an Order should be made extending the provisions of the Merchandise Marks (Imported Goods) No. 10 Order 1933(b), as amended(c), and the Merchandise Marks (Imported Goods) Order 1963(d);

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(e) 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:—

Indication of origin

1.—(1) Subject to paragraph (2) of this Article, it shall not be lawful to sell or expose for sale in the United Kingdom imported goods of any class or description specified in the Schedule hereto unless they bear an indication of origin applied in the manner specified in that Schedule in relation to that class or description.

(2) Paragraph (1) of this Article shall not apply to—

(*a*) any frame, shaft, rib or handle forming part of an imported umbrella, if that umbrella itself bears an indication of origin applied in the manner specified in the Schedule hereto in relation to umbrellas;

(*b*) any shaft, rib or handle forming part of any imported frame, if that frame itself bears an indication of origin applied in the manner specified in the Schedule hereto in relation to frames;

(a) 16 & 17 Geo. 5. c. 53. (b) S.R. & O. 1933/491 (Rev. XIII, p. 567: 1933, p. 1344).
(c) S.I. 1964/913 (1964 II, p. 1946). (d) S.I. 1963/882 (1963 II, p. 1433).
(e) 9 & 10 Geo. 6. c. 36.

(*c*) any frame, shaft, rib or handle forming part of an umbrella assembled in the United Kingdom, if that umbrella bears an indication which is expressed to be an indication of origin of that frame, shaft, rib or handle and is applied in the manner specified in the Schedule hereto in relation to umbrellas ;

(*d*) any shaft, rib or handle forming part of a frame assembled in the United Kingdom, if that frame bears an indication which is expressed to be an indication of origin of that shaft, rib or handle and is applied in the manner specified in the Schedule hereto in relation to frames ;

(*e*) any rib forming part of a complete set of imported ribs, if that set bears on one of the ribs thereof an indication of origin applied in the manner specified in the Schedule hereto in relation to ribs ;

(*f*) any handle forming part of any imported walking stick, if that stick itself bears an indication of origin applied by being printed or stamped in a contrasting colour on an adhesive label, or by means of a transfer in a contrasting colour, being a label or transfer affixed to that part of the stick adjacent to the handle.

(3) Goods of any such class or description shall bear the indication of origin on exposure for sale wholesale, whether or not the person so exposing the goods is a wholesale dealer.

(4) Nothing in this Order shall require goods of any such class or description to bear an indication of origin at the time of importation.

Interpretation

2.—(1) In this Order the following expressions shall, save where the context otherwise requires, have the following meanings respectively:—

" frame " means a complete assembly of ribs attached to and including a shaft ;

" handle " includes a knob ;

" rib " includes a stretcher ;

" shaft " includes a tube ;

" umbrella " includes a sunshade and a golf, garden or child's umbrella.

(2) The Interpretation Act 1889(a) 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.

Revocation and citation

3.—(1) The Merchandise Marks (Imported Goods) No. 10 Order 1933, the Merchandise Marks (Imported Goods) Order 1963 and the Merchandise Marks (Imported Goods) No. 10 Order 1933 Amendment Order 1964(b) are hereby revoked.

(2) This Order may be cited as the Merchandise Marks (Imported Goods) Order 1964 and shall come into operation on the 1st February 1965.

W. G. Agnew.

(a) 52 & 53 Vict. c. 63. (b) S.I. 1964/913 (1964 II, p. 1946).

SCHEDULE

Class or description of goods	Manner in which the indication of origin is to be applied
Umbrellas	(*a*) By being printed or stamped in a contrasting colour on an adhesive label or on a label of durable material; or (*b*) by means of a transfer in a contrasting colour; which is securely affixed or attached (as the case may be) to the shaft adjacent to the handle: Provided that, if there is no handle, the indication shall be so applied to that end of the shaft adjacent to the unattached extremities of the collapsed ribs.
Umbrella frames	(*a*) By being printed or stamped in a contrasting colour on an adhesive label or on a label of durable material; or (*b*) by means of a transfer in a contrasting colour; which is securely affixed or attached (as the case may be)— (i) to that end of the shaft to which the handle will be joined; or (ii) if one end of the shaft is formed into a handle as an integral part thereof, to the part of the shaft adjacent to that end.
Umbrella shafts	(*a*) By being printed or stamped in a contrasting colour on an adhesive label or on a label of durable material; or (*b*) by means of a transfer in a contrasting colour; which is securely affixed or attached (as the case may be) to the shaft.
Umbrella ribs	By being durably printed or impressed in a contrasting colour on either— (*a*) the rib; or (*b*) a metal label riveted or securely fastened by other means to the rib.
Handles for umbrellas or walking sticks.	By being printed or stamped in a contrasting colour on an adhesive label which is affixed to the handle.

EXPLANATORY NOTE

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

This Order, which comes into operation on the 1st February 1965, amends and replaces the Orders prohibiting the sale or exposure for sale of (*a*) imported frames, tubes and ribs for umbrellas and (*b*) imported handles for umbrellas and walking sticks, unless they bear an indication of origin applied to them in the manner specified in the Orders (S.R. & O. 1933/491, S.I. 1963/882 and S.I. 1964/913).

The principal changes are as follows:—

(i) imported umbrellas and imported shafts are now required to be marked;

(ii) imported frames, tubes and ribs of whatever material they are made are now required to be marked and not, as hitherto, only those made of iron or steel wire.

The report referred to in the Order is contained in Command Paper No. 2298.