STATUTORY INSTRUMENTS

1965 No. 1122

MERCHANDISE MARKS

The Merchandise Marks (Imported Goods) Order 1965

Laid before Parliament in draft

Made - - - - 14*th May* 1965

Coming into Operation

Article 5(*ii*) - - 5*th June* 1965

Remainder - - 1*st March* 1966

At the Court at Buckingham Palace, the 14th day of May 1965

Present,

The Queen's Most Excellent Majesty in Council

Whereas enquiries in relation to measuring tapes and bands have been held by the appropriate Committee appointed under the Merchandise Marks Act 1926(**a**) (hereinafter referred to as "the said Act"); and, the reports 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 further amending the Merchandise Marks (Imported Goods) No. 5 Order 1929(**b**), as amended(**c**) (hereinafter referred to as "the principal Order") and the Merchandise Marks (Imported Goods) No. 9 Order 1933(**d**);

And whereas the question whether the principal Order should be further amended in relation to circular saws was referred to the said Committee; and, the report of that Committee having been taken into consideration, the Board of Trade have represented to Her Majesty that it is desirable that the principal Order should be further amended;

And whereas an enquiry in relation to other implements and tools was held by the said Committee in 1959; and, the report of that Committee having been taken into further consideration, the Board of Trade have represented to Her Majesty that it is desirable, in order to give full effect to the Committee's recommendations in the said report, that the principal Order should 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(**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 said Act is pleased to order, and it is hereby ordered, as follows:—

PART I

Measuring tapes and bands

1. This Part of this Order applies to measuring tapes and bands which are graduated or marked for the purpose of making any measurement of length.

(**a**) 16 & 17 Geo. 5. c. 53. (**b**) S.R. & O. 1929/1203 (Rev. XIII, p. 487: 1929, p. 885).
(**c**) The relevant amending instrument is S.I. 1960/2411 (1960 II, p. 1977).
(**d**) S.R. & O. 1933/363 (Rev. XIII, p. 565: 1933, p. 1342). (**e**) 9 & 10 Geo. 6. c. 36.

2. It shall not be lawful to import into the United Kingdom any goods to which this Part of this Order applies, 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 applied in accordance with the provisions of Article 3.

3.—(1) The indication of origin shall be applied near each end of a measuring tape or band—

(*a*) in the case of a tape or band made of metal—

(i) by being die-stamped, impressed, etched, engraved or cast; or

(ii) by being durably printed;

(*b*) in the case of any other tape or band, by being durably printed or stamped in a contrasting colour;

Provided that, in the case of a wind-up or spring tape, it shall be sufficient compliance with the foregoing provisions of this Article if the indication of origin is applied in the manner specified in sub-paragraph (*a*) or (*b*), as the case may be, either near the free end of the tape or on any case into which such tape is fitted.

(2) Without prejudice to the provisions of paragraph (1) of this Article, if any measuring tape or band is imported, sold or exposed for sale in a box, carton or other container, or on any card, the indication of origin shall also be branded, stamped or printed on the box, carton, container or card, as the case may be.

4. Goods to which this Part of 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.

PART II

Amendments to the Merchandise Marks (Imported Goods) No. 5 Order 1929

5. The principal Order shall have effect subject to the following amendments:—

(i) for Article 21 there shall be substituted the following Article—

"**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 or not tipped with another substance), ordinarily used by workpeople in their trade or employment, including agricultural and horticultural hand tools;

(*b*) mallets;

(*c*) saws, twist drills and bits, being saws, drills or bits (as the case may be) for fitting into machines;

(*d*) marking gauges, vernier gauges, thickness gauges or feelers, squares, bevels and engineers' rules, being gauges, squares, bevels or rules (as the case may be) made of metal;

(*e*) vices, clamps and cramps, whether made of metal or of wood;

(*f*) tuning forks;

(*g*) permanent magnets;

(*h*) letter and number marks."

(ii) for Article 24 there shall be substituted the following Article—

"**24.**—(1) Subject to paragraph (2) of this Article, 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.

(2) In the case of circular slitting saws, polished to a mirror finish, with a diameter not exceeding 65 millimetres, the indication of origin shall be applied by branding, printing or stamping on the carton or container in which the goods are imported, sold or exposed for sale, as the case may be."

(iii) for the Second Schedule there shall be substituted the Schedule to this Order.

PART III

Revocation, interpretation, citation and commencement

6.—(1) The Merchandise Marks (Imported Goods) No. 9 Order 1933 (which relates to measuring tapes made of cotton or linen) is hereby revoked.

(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 referred to herein were Acts of Parliament.

(3) This Order may be cited as the Merchandise Marks (Imported Goods) Order 1965.

7.—(1) The provisions of this Order, other than Article 5(ii), shall come into operation on 1st March 1966.

(2) Article 5(ii) shall come into operation on 5th June 1965.

W. G. Agnew.

SCHEDULE

Garden shears and horticultural shears (including grass cutting shears, hedge cutting shears, edging shears, border shears, lawn shears, lopping shears and pruning shears); forks; shovels; spades; hoes; rakes; scythes; sickles; grass hooks, bill hooks, reaping hooks and slashing hooks.

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.

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

Hand saws, back saws, pruning saws and all other saws for use by hand howsoever called.

Files; rasps.

Vices, clamps and cramps, whether made of metal or of wood.

Pipe cutters.

Hammers, with or without handles; mallets.

Screwdrivers.

Callipers.

Chisels.

Levels.

Planes.

Punches.

Rules.

Carpenters' scrapers, engineers' scrapers, painters' scrapers and ship scrapers.

Try-squares.

Cylindrical squares (being cylinders made of precision steel or other metal, the ends of which form a true square to the sides, and for use in testing squares in toolroom work); block squares (being cubes or rectangular blocks, made of precision steel or other metal, for use in testing squares in toolroom work).

Combination sets, that is to say, rules or straight edges made of metal, on which are mounted one or more of the following instruments or heads, also made of metal, which are for use in conjunction with the rule or straight edge for deducing or marking out (*a*) square head for squareness; (*b*) protractor head for angle determination; (*c*) centre head for determining centres.

Trowels.

Five-sided broaches; reamers; countersinks.

Drills; bits.

Threading dies and taps; stocks and wrenches.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order supersedes: (*a*) the Merchandise Marks (Imported Goods) No. 9 Order 1933, which provides for the marking of an indication of origin on imported measuring tapes made of cotton or linen; and (*b*) Part IV of the Merchandise Marks (Imported Goods) No. 5 Order 1929, as amended by S.I. 1960/2411, which provides for the marking of an indication of origin on imported implements and tools, in so far as it relates to other measuring tapes and bands.

Part I of this Order prohibits the importation, sale or exposure for sale in the United Kingdom of imported measuring tapes or bands unless they bear an indication of origin applied in the manner specified in the Order.

The principal changes are as follows:—

(*a*) all imported measuring tapes and bands described in the Order are now required to be marked with an indication of origin, whatever material they are made from;

(*b*) all such goods must now be marked at the time of importation as well as at the time of sale and exposure for sale;

(*c*) the manner in which the indication of origin is to be marked has been varied;

(*d*) the requirements relating to the indication of origin now apply to exposure for sale wholesale of all such goods whether or not the person exposing the goods is a wholesale dealer.

The reports in respect of measuring tapes and bands referred to in the Order are contained in Command Papers No. 1632 and No. 2242.

Part II of the Order amends Part IV of the 1929 Order in relation to imported circular slitting saws, polished to a mirror finish, with a diameter not exceeding 65 millimetres. Such saws are no longer required to bear an indication of origin on the article itself, but the indication must be applied by branding, printing or stamping on the carton or container in which the article is imported, sold or exposed for sale. The report in respect of these circular saws referred to in this Order is contained in Command Paper No. 2541.

Part II of the Order also makes drafting alterations to Part IV of the 1929 Order, as amended, in order to ensure that full effect is given to the recommendations in the "Report of the Standing Committee Respecting Certain Hand Tools" (Command Paper No. 1039).

Article 5(ii) of this Order, which gives permanent effect to an amendment temporarily effected by a Direction (S.I. 1964/785), comes into operation on 5th June 1965. The remainder of the Order comes into operation on 1st March 1966.