STATUTORY INSTRUMENTS

1971 No. 394 (L.9)

PATENTS

The Patents Appeal Tribunal (Amendment) Rules 1971

Made - - - - 5*th March* 1971

Coming into Operation 20*th April* 1971

The Appeal Tribunal constituted under section 85(2) of the Patents Act 1949(**a**), as amended by section 24 of the Administration of Justice Act 1969(**b**), in exercise of the powers conferred on it by section 85(8) and (8A) of the Patents Act 1949, as amended by section 24 of the Administration of Justice Act 1969, hereby makes the following Rules:—

1.—(1) These Rules may be cited as the Patents Appeal Tribunal (Amendment) Rules 1971 and shall come into operation on 20th April 1971.

(2) The Interpretation Act 1889(**c**) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

2. After rule 7 of the Patents Appeal Tribunal Rules 1950(**d**), as amended(**e**), there shall be inserted the following rule:—

"7A.—(1) Subject to the provisions of this Rule, all proceedings before the Appeal Tribunal shall be heard and determined in public unless in any particular case the Tribunal directs that they shall be heard in private.

(2) Proceedings before the Tribunal relating to a decision of the Comptroller in any case in which the complete specification of the patent application has not been published shall be heard and determined in private unless the Tribunal directs that they shall be heard in public.

(3) A direction under this Rule may be given by the Tribunal either of its own motion or on the application of a party to the proceedings, and the direction may relate to all the proceedings or to any specified part of them."

3. The Patents Appeal Tribunal Rules 1959(**f**) are hereby revoked.

Dated 5th March 1971.

Patrick Graham, J.
Senior Judge of the Appeal Tribunal.

(**a**) 1949 c. 87.
(**b**) 1969 c. 58.
(**c**) 1889 c. 63.
(**d**) S.I. 1950/392 (1950 II, p. 201).
(**e**) S.I. 1956/470, 1961/1016, 1969/500, 1970/1074 (1956 II, p. 1722; 1961 II, p. 1965; 1969 I, p. 1404; 1970 II, p. 3330).
(**f**) S.I. 1959/278 (1959 II, p. 2002).

EXPLANATORY NOTE

(*This Note is not part of the Rules.*)

These Rules provide that, with certain exceptions, proceedings before the Patents Appeal Tribunal shall be in public. They replace the existing practice whereby a hearing takes place in public only if the Tribunal so directs.