
STATUTORY INSTRUMENTS

1999 No. 3195

DESIGNS

**The Design Right (Proceedings before
Comptroller) (Amendment) Rules 1999**

<i>Made</i>	- - - -	<i>29th November 1999</i>
<i>Laid before Parliament</i>		<i>30th November 1999</i>
		<i>22nd December</i>
<i>Coming into force</i>	- -	<i>1999</i>

The Secretary of State, in exercise of the powers conferred upon him by section 250 of the Copyright, Designs and Patents Act 1988⁽¹⁾ and after consultation with the Council on Tribunals pursuant to section 8(1) of the Tribunals and Inquiries Act 1992⁽²⁾, hereby makes the following Rules—

Citation, commencement and transitional

1.—(1) These Rules may be cited as the Design Right (Proceedings before Comptroller) (Amendment) Rules 1999 and subject to paragraph (2) shall come into force on 22nd December 1999.

(2) Rules 3, 4 and 6 of these Rules shall not apply to any proceeding commenced before the Comptroller before the entry into force of these Rules but shall apply to such proceedings as from 26th April 2000.

2. The Design Right (Proceedings before Comptroller) Rules 1989⁽³⁾ shall be amended as follows.

3. In rule 4 (Comptroller’s directions), after the word “appropriate” there shall be inserted—
“including directing the party or parties to attend a case management conference or a pre-hearing review or both.”

4. In rule 5 (procedure and evidence at hearing)—
(a) in paragraphs (1) and (2) after the words “statutory declaration” insert the words “, witness statement”;
(b) after paragraph (6) insert

(1) 1988 c. 48.
(2) 1992 c. 53.
(3) S.I. 1989/1130.

“(7) The Comptroller may give a direction as he thinks fit in any particular case that evidence shall be given by affidavit or statutory declaration instead of or in addition to a witness statement.

(8) Where in proceedings before the Comptroller, a party adduces evidence of a statement made by a person otherwise than while giving oral evidence in the proceedings and does not call that person as a witness, the Comptroller may, if he thinks fit, permit any other party to the proceedings to call that person as a witness and cross-examine him on the statement as if he had been called by the first-mentioned party and as if the statement were his evidence in chief.”.

5. After rule 18 (evidence) insert—

“18(A. Any witness statement filed under these Rules shall—

- (a) be a written statement signed and dated by a person which contains the evidence which the person signing it would be allowed to give orally; and
- (b) include a statement by the intended witness that he believes the facts in it are true.”.

6. In rule 20 (time), for paragraph (1) substitute—

“(1) The times or periods prescribed by these Rules for doing any act or taking any proceedings thereunder may be extended or shortened by the Comptroller if he thinks fit, upon such notice and upon such terms as he may direct, and an extension may be granted although the time for doing such act or taking such proceedings has already expired.”.

7. In rule 21 (hours of business)

- (a) in (a) and (b), for the reference to the time denoted by the words “10.00 am” substitute the words “9.00 a.m.”
- (b) in (b) for the reference to the time denoted by the words “4.00 p.m.” substitute the words “5.00 p.m.”.
- (c) after the words “Christmas Day” insert the words “, Tuesday 4th January 2000”.

Kim Howells,
Parliamentary Under Secretary of State for
Consumers and Corporate Affairs,
Department of Trade and Industry

29th November 1999

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Design Right (Proceedings before Comptroller) Rules 1989 (S.I.1989/1130). These Rules—

- (a) make provision for the Comptroller to give directions to the parties to attend a case management conference or pre-hearing review (rule 3);
- (b) make provision for witness statements to be given in evidence and for the calling of witnesses in certain circumstances (rules 4 and 5);
- (c) make provision for the Comptroller to vary time limits where he considers it appropriate (rule 6);
- (d) extend the hours for certain transactions of business of the Patent Office, to between 9 a.m. and 5 p.m. on business days (rule 7); and
- (e) make Tuesday 4th January 2000 an excluded day; that is to say a day on which the Patent Office is closed for the purposes of the transaction by the public of business with that Office (rule 7);

These Rules take effect on 22nd December 1999 save that rules 3, 4 and 6 shall not apply to any proceedings already begun before the Comptroller at the time of entry into force of these Rules but that they should apply to such proceedings from 26th April 2000.

A Regulatory Impact assessment is available, copies of which have been placed in the libraries of both Houses of Parliament. Copies of the assessment are also available from the Patents and Designs Directorate, Concept House, Cardiff Road, Newport NP9 1RH.