

the Patent Office, and for requiring copies to be furnished of any such representations, specimens, or documents:

- (d) For regulating the procedure to be followed in connection with any application or request to the Commissioner or in connection with any proceeding before the Commissioner and for authorising the rectification of irregularities of procedure:
- (e) For regulating the keeping of the register of designs:
- (f) For authorising the publication and sale of copies of representations of designs and other documents in the Patent Office:
- (g) For prescribing classes of persons whom the Commissioner may refuse to recognise as agents in respect of proceedings under this Act:
- (h) For prescribing matters to be published in the *Patent Office Journal*:
- (i) For prescribing anything authorised or required by this Act to be prescribed by regulations.

(3) All regulations made under this Act shall be laid before Parliament within 28 days after the date of the making thereof if Parliament is then in session, and, if not, shall be laid before Parliament within 28 days after the date of the commencement of the next ensuing session.

Cf. Registered Designs Act 1949, s. 36 (U.K.); 1921–22, No. 18, s. 138

For regulations made under this section, see S.R. 1954/224.

47. Fees—(1) There shall be paid in respect of the registration of designs and applications therefor, and in respect of other matters relating to designs arising under this Act, such fees as may from time to time be prescribed by regulations made under this Act, and all such fees shall be paid into the Public Account to the credit of [the Consolidated Account].

(2) Any sum paid to the Commissioner by mistake, or any sum the payment of which is not required by the regulations made under this Act, may be refunded by the Commissioner, and all money so refunded shall be paid out of [the Consolidated Account] without further appropriation than this Act.

Cf. Registered Designs Act 1949, s. 40 (U.K.); 1921–22, No. 18, s. 117

In subss. (1) and (2) the reference to the Consolidated Account was substituted for a reference to the Consolidated Revenue Account (as substituted for a reference to the Consolidated Fund by s. 4 (4) of the Public Revenues Amendment Act 1963) by s. 114 (6) of the Public Finance Act 1977.

48. Service of notices, etc., by post—(1) Any notice required or authorised to be given by or under this Act, and any application or other document so authorised or required to be made or filed, may be given, made, or filed by sending it by post in a letter addressed to the person concerned at his usual or last known address.

(2) Where any notice is sent by the Commissioner to any person by post as aforesaid, the notice shall be deemed to have been given at the time when the letter containing it would have been delivered in the ordinary course of post.

Cf. Registered Designs Act 1949, s. 41 (U.K.); 1921–22, No. 18, s. 132

49. Annual report—The Commissioner of Patents shall, in his annual report with respect to the operation of the Patents Act 1953, include a report with respect to the operation of this Act as if it formed part of or was included in that Act.

Cf. Registered Designs Act 1949, s. 42 (U.K.); 1921–22, No. 18, s. 128

50. Application of Act to Tokelau—This Act shall be in force in [Tokelau].

The reference to Tokelau was substituted for a reference to the Tokelau Islands by s. 3 (8) of the Tokelau Amendment Act 1976.

This Act is also in force in Niue by s. 689 of the Niue Act 1966 and in the Cook Islands by s. 635 of the Cook Islands Act 1915.

51. Saving—Nothing in this Act shall be construed as authorising or requiring the Commissioner to register a design the use of which would, in his opinion, be contrary to law or morality.

Cf. Registered Designs Act 1949, s. 43 (1) (U.K.); 1939, No. 26, s. 71

52. Repeals and savings—(1) The enactments specified in the Schedule to this Act are hereby repealed.

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the repeal of any provision by this Act shall not affect any document made or any thing whatsoever done under the provision so repealed or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act, shall continue and have effect as if it had been made or done under the corresponding provision of this Act and as

if that provision had been in force when the document was made or the thing was done.

(3) Any design registered before the commencement of this Act shall be deemed to be registered under this Act in respect of articles of the class in which it is registered.

(4) Where, in relation to any design, the time for giving notice to the Commissioner under section 63 of the Patents, Designs, and Trade Marks Act 1921–22 expired before the commencement of this Act and the notice was not given, subsection (2) of section 10 of this Act shall not apply in relation to that design or any registration of that design.

(5) Any document referring to any enactment repealed by this Act shall be construed as referring to the corresponding enactment of this Act.

Cf. Registered Designs Act 1949, s. 48 (U.K.)

SCHEDULE

Section 52 (1)

ENACTMENTS REPEALED

- 1921–22, No. 18—The Patents, Designs, and Trade Marks Act 1921–22: Part II; and Part IV in its application to designs. (1931 Reprint, Vol. VI, p. 656)
- 1939, No. 26—The Patents, Designs, and Trade Marks Amendment Act 1939: Sections 53, 54, 55, and 71 in their application to designs; and section 69.
- 1943, No. 6—The Patents, Designs, and Trade Marks Amendment Act 1943: Sections 5 and 7 in their application to designs.
- 1946, No. 32—The Patents, Designs, and Trade Marks Amendment Act 1946: Sections 4 and 7 in their application to designs.
- 1947, No. 37—The Patents, Designs, and Trade Marks Amendment Act 1947: Section 5 in its application to designs.

THE DESIGNS AMENDMENT ACT 1972

1972, No. 53

An Act to amend the Designs Act 1953

[20 October 1972]

1. Short Title—This Act may be cited as the Designs Amendment Act 1972, and shall be read together with and deemed part of the Designs Act 1953 (hereinafter referred to as the principal Act).

2. This section substituted a new subsection for subs. (2) of s. 12 of the principal Act.

3. This section inserted s. 37A in the principal Act.

THE DESIGNS AMENDMENT ACT 1976

1976, No. 86

An Act to amend the Designs Act 1953

[10 December 1976]

1. Short Title—This Act may be cited as the Designs Amendment Act 1976, and shall be read together with and deemed part of the Designs Act 1953 (hereinafter referred to as the principal Act).

2. (1) This subsection substituted a new subsection for subs. (1) of s. 45 of the principal Act.

(2) This subsection amended s. 45 (2) of the principal Act.

3. This section inserted s. 45A in the principal Act.

The Designs Act 1953 is administered in the Department of Justice.

