



# Chartered Associations (Protection of Names and Uniforms) Act 1926

## 1926 CHAPTER 26

An Act to protect the names, uniforms, and badges of associations incorporated by Royal Charter. [4th August 1926]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### **1 Protection of name, uniform, &c. of chartered associations.**

- (1) His Majesty may from time to time, by Order in Council made on the application of any association incorporated by Royal charter not being an association representative of any profession or business, protect—
- (a) the name of the association; and
  - (b) any special name or designation specified in the Order and used by the association for the members thereof, or for the members of any organisation constituted by the association in pursuance of their charter; and
  - (c) any uniform with distinctive markings or badges used by the association and described in the Order; and
  - (d) any badge to be worn without uniform used by the association and described in the Order:

Provided that nothing in any such Order or in this Act shall deprive any bona fide national organisation of the right to use any designation, uniform or badge which at the time of the passing of this Act is in regular use by that organisation.

- (2) (i) An Order in Council under this section shall not be made unless notice of the application for an Order has been given in such manner and accompanied by such particulars as the Secretary of State may direct.

- (ii) The Secretary of State shall consider any objections to an Order which are made by or on behalf of any persons or societies affected or likely to be affected by the Order.
  - (iii) An Order in Council under this section shall be laid as soon as may be before both Houses of Parliament, and if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which that House has sat next after any such Order is laid before it, praying that the Order may be annulled, His Majesty in Council may annul the Order, and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.
  - (iv) Any Order in Council under this Act may be amended or revoked by a subsequent Order in Council.
- (3) Where the use by an association of any name, designation, uniform or badge has been so protected, a person shall not, without the authority of the association, use the name, designation, uniform or badge the use of which is so protected, or any name, designation, uniform, or badge so closely resembling the name, designation, uniform or badge the use of which is protected as to lead to the belief that it is that name, designation, uniform or badge.
- (4) If any person acts in contravention of this section, he shall be liable in respect of each offence, on summary conviction, to a fine not exceeding ten pounds:
- Provided that this section shall not prevent any person from wearing or using any uniform, badge or distinctive marking in the course or for the purpose of a stage play or representation, or a music-hall or circus performance, pageant or production of a cinematograph film, if the uniform, badge or distinctive mark is not worn or used in such a manner or under such circumstances as to bring it into contempt.
- (5) Where on an application made by or on behalf of an association to which this Act applies any such uniform or badge as is mentioned in subsection (1) of this section has at any time been registered under Part II. of the Patents and Designs Act, 1907, an Order in Council under this Act may be made on the application of that association for protecting that uniform or badge, notwithstanding that the copyright in respect thereof has expired.

## **2 Description of uniform to be furnished on application for protection.**

Any association making application for the protection of a uniform shall, together with the application, furnish an exact and detailed description of the uniform, both in respect to form and colour, such as may clearly indicate what are the precise extent and limits of the protection to be granted.

## **3 Savings.**

No Order in Council shall be made under this Act protecting any article (other than a badge or decoration) used by an association in connection with or as part of the uniform of its members in respect of which or any part of which any design shall have been registered under the Patents and Designs Act, 1907, or any amendment thereof, unless the owner of such registered design shall without fee or reward be ready and willing to permit and shall permit the use of such registered design by any person, firm, or corporation willing to supply such article to any member or members of such association.

Nothing in this Act shall prevent the continued use of any mark or device which has been bona fide used as a trade mark before the coming into force of this Act.

**4 Short title and application.**

- (1) This Act may be cited as the Chartered Associations (Protection of Names and Uniforms) Act, 1926.
- (2) This Act shall not apply to Northern Ireland.