



Defence Contracts Act 1958

1958 CHAPTER 38

4 Payments for use and determination of disputes

- (1) A competent authority by whom an authorisation is given under section two of this Act shall pay to the person entitled to the benefit of any restriction or obligation in respect of which the authorisation is given, or of any such provision of an agreement as is mentioned in subsection (4) of that section (whether or not he would himself be entitled, apart from the authorisation, to enforce the restriction, obligation or provision by legal proceedings) such sum (if any) as may be agreed upon between him and the competent authority with the approval of the Treasury or as may, in default of such agreement, be determined by the court under this section to be just having regard—
 - (a) to the extent of the use made in pursuance of the authorisation;
 - (b) to the value of any services performed by that person in connection with the conception, development, improvement or adaptation of any specification, design, process or technique used in pursuance of the authorisation;
 - (c) to any benefit or compensation which that person or any person from whom he derives title may have received, or may be entitled to receive, directly or indirectly from any Government department in respect of any technical information so used; and
 - (d) to any other relevant circumstances.
- (2) Any dispute between a competent authority and any other person as to the exercise of powers conferred by section two of this Act, as to the making of a payment under this section, or as to the amount of any such payment, shall be determined by the court upon a reference made by either party to the dispute in such manner as may be prescribed by rules of court.
- (3) Without prejudice to any rule of law enabling a court to sit in camera, the court may make such orders for the exclusion of the public from proceedings under this section, and for prohibiting the publication of any technical information to which section two of this Act applies so far as disclosed or recorded in such proceedings, as appear to the court to be necessary or expedient in the public interest or in the interests of any parties to the proceedings.

Status: This is the original version (as it was originally enacted).

- (4) In this section "the court" has the same meaning as in the Patents Act, 1949; and subsection (1) of section eighty-four of that Act (which provides for the allocation to a selected judge of certain proceedings under that Act) shall apply to references to the court under this section as it applies to references under that Act.