



# Patents Act 1949

## 1949 CHAPTER 87

### *The Court and the Appeal Tribunal*

#### **85 The Appeal Tribunal**

- (1) Subject to the provisions of this Act with respect to Scottish appeals, any appeal from the comptroller under this Act shall lie to the Appeal Tribunal.
- (2) The Appeal Tribunal shall be a judge of the High Court nominated for the purpose by the Lord Chancellor.
- (3) The expenses of the Appeal Tribunal shall be defrayed and the fees to be taken therein may be fixed as if the Tribunal were a court of the High Court.
- (4) The Appeal Tribunal may examine witnesses on oath and administer oaths for that purpose.
- (5) Upon any appeal under this Act the Appeal Tribunal may by order award to any party such costs as the Tribunal may consider reasonable and direct how and by what parties the costs are to be paid; and any such order may be made a rule of court.
- (6) The Appeal Tribunal shall, with regard to the right of audience, observe the same practice as before the first day of November, nineteen hundred and thirty-two, was observed in the hearing of appeals by the law officer.
- (7) Upon any appeal under this Act the Appeal Tribunal may exercise any power which could have been exercised by the comptroller in the proceeding from which the appeal is brought.
- (8) Subject to the foregoing provisions of this section, the Appeal Tribunal may make rules for regulating all matters relating to proceedings before it under this Act.
- (9) Rules made under this section shall provide for the appointment of scientific advisers to assist the Appeal Tribunal upon appeals under this Act and for regulating the functions of such advisers; and the remuneration of a scientific adviser; appointed in accordance with such rules shall be defrayed out of moneys provided by Parliament.

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (10) An appeal to the Appeal Tribunal under this Act shall not be deemed to be a proceeding in the High Court.