



Registered Designs Act 1949

1949 CHAPTER 88

Powers and Duties of Registrar

29 Exercise of discretionary powers of registrar.

Without prejudice to any provisions of this Act requiring the registrar to hear any party to proceedings thereunder, or to give to any such party an opportunity to be heard, the registrar shall give to any applicant for registration of a design an opportunity to be heard before exercising adversely to the applicant any discretion vested in the registrar by or under this Act.

30 Costs and security for costs.

- (1) The registrar may, in any proceedings before him under this Act, by order award to any party such costs as he may consider reasonable, and direct how and by what parties they are to be paid; and any such order may be made a rule of court.
- (2) If any party by whom application is made to the registrar for the cancellation of the registration of a design or for the grant of a licence in respect of a registered design, or by whom notice of appeal is given from any decision of the registrar under this Act, neither resides nor carries on business in the United Kingdom or the Isle of Man, the registrar, or, in the case of appeal, the Appeal Tribunal, may require him to give security for the costs of the proceedings or appeal, and in default of such security being given may treat the application or appeal as abandoned.

31 Evidence before registrar.

- (1) Subject to rules made by the Board of Trade under this Act the evidence to be given in any proceedings before the registrar under this Act may be given by affidavit or statutory declaration; but the registrar may if he thinks fit in any particular case take oral evidence in lieu of or in addition to such evidence as aforesaid, and may allow any witness to be cross-examined on his affidavit or declaration.
- (2) Subject to any such rules as aforesaid, the registrar shall in respect of the examination of witnesses on oath and the discovery and production of documents have all the

powers of an official referee of the Supreme Court, and the rules applicable to the attendance of witnesses in proceedings before such a referee shall apply to the attendance of witnesses in proceedings before the registrar.

32 Power of registrar to refuse to deal with certain agents.

- (1) Rules made by the Board of Trade under this Act may authorise the registrar to refuse to recognise as agent in respect of any business under this Act—
 - (a) any individual whose name has been erased from, and not restored to, the register of patent agents kept in pursuance of rules made under the Patents Act, 1949 ;
 - (b) any individual who is for the time being suspended in accordance with those rules from acting as a patent agent;
 - (c) any person who has been convicted of an offence under section eighty-eight of the Patents Act, 1949;
 - (d) any person who is found by the Board of Trade (after being given an opportunity to be heard) to have been convicted of any offence or to have been guilty of any such misconduct as, in the case of an individual registered in the register of patent agents aforesaid, would render him liable to have his name erased therefrom ;
 - (e) any person, not being registered as a patent agent, who in the opinion of the registrar is engaged wholly or mainly in acting as agent in applying for patents in the United Kingdom or elsewhere in the name or for the benefit of a person by whom he is employed;
 - (f) any company or firm, if any person whom the registrar could refuse to recognise as agent in respect of any business under this Act is acting as a director or manager of the company or is a partner in the firm.
- (2) The registrar shall refuse to recognise as agent in respect of any business under this Act any person who neither resides nor has a place of business in the United Kingdom or the Isle of Man.