



# Trade Marks Act 1994

## 1994 CHAPTER 26

### PART III

#### ADMINISTRATIVE AND OTHER SUPPLEMENTARY PROVISIONS

##### *Legal proceedings and appeals*

#### **77 Persons appointed to hear and determine appeals.**

- (1) For the purposes of section 76 an “appointed person” means a person appointed by the Lord Chancellor to hear and decide appeals under this Act.
- (2) A person is not eligible for such appointment unless—
  - (a) he has a 7 year general qualification, within the meaning of section 71 of the <sup>MI</sup>Courts and Legal Services Act 1990;
  - (b) he is an advocate or solicitor in Scotland of at least 7 years’ standing;
  - (c) he is a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least 7 years’ standing; or
  - (d) he has held judicial office.
- (3) An appointed person shall hold and vacate office in accordance with his terms of appointment, subject to the following provisions—
  - (a) there shall be paid to him such remuneration (whether by way of salary or fees), and such allowances, as the Secretary of State with the approval of the Treasury may determine;
  - (b) he may resign his office by notice in writing to the Lord Chancellor;
  - (c) the Lord Chancellor may by notice in writing remove him from office if—
    - (i) he has become bankrupt or made an arrangement with his creditors or, in Scotland, his estate has been sequestrated or he has executed a trust deed for his creditors or entered into a composition contract, or
    - (ii) he is incapacitated by physical or mental illness,

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*Status: Point in time view as at 30/10/1994. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Trade Marks Act 1994, Section 77. (See end of Document for details)*

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or if he is in the opinion of the Lord Chancellor otherwise unable or unfit to perform his duties as an appointed person.

- (4) The Lord Chancellor shall consult the Lord Advocate before exercising his powers under this section.

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**Modifications etc. (not altering text)**

- C1** S. 77: Functions of the Lord Advocate transferred to the Secretary of State, and all property, rights and liabilities to which the Lord Advocate is entitled or subject in connection with any such function transferred to the Secretary of State for Scotland (19.5.1999) by [S.I. 1999/678](#), arts. 2, 3, **Sch. 1** (with art. 7)
- S. 77 modified (30.6.1999) by [S.I. 1999/1748](#), art. 3, **Sch. 1 para. 17**
- S. 77: transfer of certain functions (1.7.1999) by [S.I. 1999/1750](#), arts. 1, 2, **Sch. 1** (with art. 7); [S.I. 1998/3178](#).art. 2(1)

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**Marginal Citations**

- M1** [1990 c. 41](#).

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