



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

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.
- [^{F1}(5) The Lord Chancellor may remove a person from office under subsection (3)(c) only with the concurrence of the appropriate senior judge.
- (6) The appropriate senior judge is the Lord Chief Justice of England and Wales, unless—
- (a) the person to be removed exercises functions wholly or mainly in Scotland, in which case it is the Lord President of the Court of Session, or
 - (b) the person to be removed exercises functions wholly or mainly in Northern Ireland, in which case it is the Lord Chief Justice of Northern Ireland.]

Textual Amendments

- F1** S. 77(5)(6) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), **Sch. 4 para. 238**; [S.I. 2006/1014](#), art. 2(a), **Sch. 1 para. 11(v)**

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.** (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)

Marginal Citations

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

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