
STATUTORY INSTRUMENTS

1991 No. 1796

GOVERNMENT TRADING FUNDS

The Patent Office Trading Fund Order 1991

Made - - - - *31st July 1991*

Coming into force - - *1st October 1991*

Whereas—

(1) It appears to the Secretary of State for Trade and Industry that:—

- (a) those operations of the Department of Trade and Industry which are referred to in article 2 of, and Schedule 1 to, this Order are suitable to be financed by means of a fund established under the Government Trading Funds Act 1973(1) (“the 1973 Act”) and, in particular, to be so managed that the revenue of the fund would consist principally of receipts in respect of goods or services provided in the course of the operations in question, and
- (b) the financing of the operations in question by means of such a fund would be in the interests of the improved efficiency and effectiveness of the management of those operations;

(2) In accordance with sections 1(3) and 6(4) of the 1973 Act, the Secretary of State has taken such steps as appear to him appropriate to give an opportunity to such persons as appear to him appropriate to make representations to him and has laid before Parliament a report about the representations received and his conclusions;

(3) In accordance with section 2 of the 1973 Act, the Secretary of State has determined with the concurrence of the Treasury what Crown assets and liabilities are properly attributable to the operations for which a fund is to be established and are suitable to be appropriated to that fund;

(4) In accordance with section 6(2) of the 1973 Act, a draft of this Order has been laid before the House of Commons and has been approved by a resolution of that House:

Now, therefore, the Secretary of State in exercise of the powers conferred upon him by sections 1, 2, 2B(6) and 4(6B) of the 1973 Act, and all other powers enabling him in that behalf, with the concurrence of the Treasury, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Patent Office Trading Fund Order 1991 and shall come into force on 1st October 1991.

(1) [1973 c. 63](#), as amended by the Government Trading Act [1990 \(c. 30\)](#). That Act, as so amended, is set out in Schedule 1 to the Act of 1990. Section 2 of the Act, as so amended, was further amended by section 119 of the Finance Act [1991 \(c. 31\)](#).

Establishment of the fund

2. As from 1st October 1991 for all the operations of the Department of Trade and Industry known as the Patent Office, which operations are more particularly described in Schedule 1 to this Order, there shall be established a trading fund to be known as the Patent Office Trading Fund (hereinafter referred to as “the fund”).

Source of loans

3. The Secretary of State is hereby designated as the source of issues to the fund by way of loan.

Assets, liabilities and public dividend capital

4. –

(1) The Crown assets and liabilities set out in Schedule 2 to this Order shall be appropriated as assets and liabilities of the fund.

(2) The sum of £8,489,000 shall be treated as public dividend capital.

Limitation of indebtedness

5. The maximum amount that may be issued to the fund by way of loan under section 2B of the 1973 Act shall be £75,000,000.

Annual reports

6. Insofar as the provisions of:

- (a) section 121 of the Patents Act 1977((2)) (Comptroller’s annual report);
- (b) section 42 of the Registered Designs Act 1949((3)) (Annual report of Registrar); and
- (c) section 45 of the Trade Marks Act 1938((4)) (Annual report of Registrar),

require a report to be prepared and laid before both Houses of Parliament before 1st June in every year in respect of the preceding calendar year, that requirement shall be treated as satisfied:

- (i) for the period 1st January 1991 to 31st March 1992, by the preparation of a report for that period, and the laying of the same before both Houses of Parliament on or before 30th November 1992; and
- (ii) thereafter, by the preparation of a report in respect of each financial year and by the laying of the same before both Houses of Parliament on or before 30th November next following the end of the financial year.

30th July 1991

Peter Lilley
Secretary of State for Trade and Industry

(2) 1977 c. 37.
(3) 1949 c. 88.
(4) 1938 c. 22.

We concur

31st July 1991

Tom Sackville
Irvine Patnick
Two of the Lords' Commissioners of Her
Majesty's Treasury

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

SCHEDULE 1

Article 2

FUNDED OPERATIONS

The operations to be funded by the fund are all the operations of the Patent Office, relating to or connected with:

- (a) copyright;
- (b) design rights;
- (c) patents;
- (d) patent and trade mark agents;
- (e) registered designs;
- (f) rights in performances;
- (g) trade marks and service marks;

including, without prejudice to the generality of the foregoing—

1. Operations concerned with the promotion and administration of legislation relating to the foregoing;
2. operations arising out of anything done or being proposed by the European Communities or any of their institutions or any international organisation, or in pursuance of any international instrument or convention, in relation to or in connection with the foregoing;
3. the provision and dissemination of information and the procurement of publicity and advertising relating to or in connection with the foregoing;
4. operations incidental, conducive or ancillary to the operations described above.

SCHEDULE 2

Article 4

ASSETS AND LIABILITIES

Assets

1. Freehold land and buildings at Concept House, Newport, South Wales.
2. Plant, equipment and computers as at 1st October 1991 used or allocated for use in the funded operations.
3. The accumulated and deferred costs as at 1st October 1991 of the relocation of the Patent Office from premises in London to Concept House, Newport.
4. Sundry debtors.

Liabilities

1. Repayment to the Department of Trade and Industry of the accumulated and deferred costs of relocations as at 1st October 1991.
2. Deposits held for publications customers.
3. Value owed in respect of fees received in advance of services yet to be rendered.
4. Fees held on behalf of the European Patent Office and the World Intellectual Property Organisation from time to time prior to transfer.

5. Sundry creditors and accruals.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for setting up from 1st October 1991 a fund with public money under the Government Trading Funds Act 1973 for the operations of the Patent Office (to be known as the Patent Office Trading Fund) described in Schedule 1 to the Order. The Order designates the Secretary of State for Trade and Industry as the authorised lender to the fund and imposes a limit of £75,000,000 on the amount which may be lent to it. It provides for the assets and liabilities set out in Schedule 2 to the Order to be appropriated to the fund and for £8,489,000 to be treated as public dividend capital.

The Order also makes provision for the obligation imposed on the Comptroller-General of Patents, Designs and Trade Marks to lay annual reports in respect of each calendar year before both Houses of Parliament before 1st June in each year to be satisfied by the making of such reports in respect of each financial year and the laying of those reports before both Houses on or before 30th November following the end of that year.