

**2005 No. 587 (L.15)**

**SUPREME COURT OF ENGLAND AND WALES**  
**COUNTY COURTS, ENGLAND AND WALES**

**The High Court and County Courts Jurisdiction (Amendment)  
Order 2005**

<i>Made</i> - - - -	<i>9th March 2005</i>
<i>Laid before Parliament</i>	<i>10th March 2005</i>
<i>Coming into force</i> - -	<i>1st April 2005</i>

The Lord Chancellor, in exercise of the powers conferred upon him by sections 1 and 120 of the Courts and Legal Services Act 1990(a), after consulting in accordance with section 1(9) of that Act, makes the following Order:

**Citation and commencement**

1. This Order may be cited as the High Court and County Courts Jurisdiction (Amendment) Order 2005 and shall come into force on 1st April 2005.

**Interpretation**

2. In this Order—

- (a) “the 1991 Order” means the High Court and County Courts Jurisdiction Order 1991(b) and an article referred to by number alone means the article so numbered in the 1991 Order; and
- (b) “patents county court” means a county court designated as a patents county court under section 287(1) of the Copyright, Designs and Patents Act 1988(c).

**Amendments to the 1991 Order**

3. In article 2—

- (a) omit sub-paragraph (1)(b); and
- (b) after paragraph (7), insert—

“(7A) A patents county court and the county courts listed in paragraph (7B) shall have jurisdiction under the following provisions of the Trade Marks Act 1994(d)—

- (a) sections 15, 16, 19, 23(5), 25(4)(b), 30, 31, 46, 47, 64, 73 and 74;

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(a) 1990 c. 41.  
(b) S.I. 1991/724. There are no relevant amending statutory instruments.  
(c) 1988 c. 48.  
(d) 1994 c. 26.

- (b) paragraph 12 of Schedule 1; and
- (c) paragraph 14 of Schedule 2,

to include jurisdiction to hear and determine any claims or matters ancillary to, or arising from proceedings brought under such provisions.

(7B) For the purposes of paragraph (7A), the county courts at—

- (a) Birmingham;
- (b) Bristol;
- (c) Cardiff;
- (d) Leeds;
- (e) Liverpool;
- (f) Manchester; and
- (g) Newcastle upon Tyne,

shall have jurisdiction.”.

#### **Amendments to the Trade Marks Act 1994**

4.—(1) The Trade Marks Act 1994 is amended as follows.

(2) In section 75, in paragraph (a), for the second “and” substitute—

“; the High Court or a county court having jurisdiction by virtue of an order made under section 1 of the Courts and Legal Services Act 1990,

(aa) in”.

(3) In section 76, after subsection (5) insert—

“(6) In the application of this section to England and Wales, “the court” means the High Court.”.

#### **Amendments to the Patents County Court (Designation and Jurisdiction) Order 1994**

5. In article 3 of the Patents County Court (Designation and Jurisdiction) Order 1994(a)—

(a) for “article 4 below,” substitute—

“article 4 below—

(a) ”; and

(b) after “such proceedings” insert—

“; and

(b) under the following provisions of the Trade Marks Act 1994—

- (i) sections 15, 16, 19, 23(5), 25(4)(b), 30, 31, 46, 47, 64, 73 and 74;
- (ii) paragraph 12 of Schedule 1; and
- (iii) paragraph 14 of Schedule 2,

to include jurisdiction to hear and determine any claims or matters ancillary to, or arising from proceedings brought under such provisions.”.

9th March 2005

*Falconer of Thoroton, C.*

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(a) S.I. 1994/1609. There are no relevant amending statutory instruments.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the High Court and County Courts Jurisdiction Order 1991 so as to extend the jurisdiction of—

a patents county court and

the county courts at Birmingham, Bristol, Cardiff, Leeds, Liverpool, Manchester, and Newcastle upon Tyne

to hear trade mark matters under the Trade Marks Act 1994 (*article 3*).

The Order also makes consequential amendments to the following primary and secondary legislation—

Trade Marks Act 1994 (*article 4*)

Patents County Court (Designation and Jurisdiction) Order 1994 (*article 5*).

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STATUTORY INSTRUMENTS

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