**Patents Amendment Act 1979**

**No. 9 of 1979**

An Act to amend the *Patents Act* 1952.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:

**Short title, &c.**

**1.** (1) This Act may be cited as the *Patents Amendment Act* 1979.

(2) The *Patents Act* 1952 is in this Act referred to as the Principal Act.

**Commencement**

**2.** (1) Section 1, this section and section 4 shall come into operation on the day on which this Act receives the Royal Assent.

(2) The remaining provisions of this Act shall come into operation on a date to be fixed by Proclamation.

**Interpretation**

**3.** Section 6 of the Principal Act is amended—

(a) by omitting the definition of “Australia” and substituting the following definition:

“‘Australia’ includes Norfolk Island;”;

(b) by inserting “standard” before “patent” in the definition of “examination”;

(c) by omitting “six” from the definition of “invention” and substituting “6”;

(d) by inserting “standard” before “patent” in the definition of “modified examination”;

(e) by omitting the definition of “patent” and substituting the following definition:

“‘patent’ means a standard patent or a petty patent;”;

(f) by inserting after the definition of “patentee” the following definition:

“‘petty patent’ means letters patent for an invention granted under section 62a;”; and

(g) by inserting after the definition of “prescribed court” the following definition:

“‘standard patent’ means letters patent for an invention granted under the repealed Acts or under this Act, but does not include a petty patent;”.

**Patent Office and sub-offices**

**4.** Section 12 of the Principal Act is amended by adding at the end thereof the following sub-sections:

“(2) There shall be a sub-office of the Patent Office in each State.

“(3) A document required or permitted by this Act to be lodged at the Patent Office may be lodged at a sub-office of the Patent Office and a reference in this Act to lodgment of a document at or in the Patent Office or to delivery of a document by post to the Patent Office shall be read as including a reference to lodgment of the document at or in a sub-office of the Patent Office or to delivery of the document by post to a sub-office of the Patent Office, as the case may be.”.

**Form of application**

**5.** Section 35 of the Principal Act is amended by omitting sub-section (1) and substituting the following sub-section:

“(1) An application for a patent—

(a) shall be in respect of a manner of new manufacture the subject of letters patent and grant of privilege within section 6 of the Statute of Monopolies;

(b) shall be for one invention only;

(c) shall be made in the prescribed form;

(d) shall indicate that the application is an application for a standard patent or that the application is an application for a petty patent;

(e) shall be lodged by being left at or delivered by post to the Patent Office; and

(f) shall be accompanied by—

(i) in the case of an application for a standard patent—a provisional specification or a complete specification; or

(ii) in the case of an application for a petty patent—a petty patent specification.”.

**Title of invention**

**6.** Section 38 of the Principal Act is amended by omitting “(whether a provisional specification or a complete specification)”.

**Contents of specification**

**7.** Section 40 of the Principal Act is amended by inserting after sub-section (1) the following sub-section:

“(1a) A petty patent specification—

(a) shall fully describe the invention, including the best method of performing the invention which is known to the applicant; and

(b) shall end with a single claim defining the invention.”.

**Time for lodging complete specification**

**8.** Section 41 of the Principal Act is amended by omitting from sub-section (1) “the applicant” and substituting “an applicant for a standard patent”.

**Each claim to have a priority date**

**9.** Section 44 of the Principal Act is amended by adding at the end of sub-section (1) “and for the claim of a petty patent specification”.

**Priority date of complete specification**

**10.** Section 45 of the Principal Act is amended—

(a) by omitting sub-sections (3a) and (4) and substituting the following sub-section:

“(4) The priority date of a claim of a complete specification lodged in respect of a further application for a standard patent made by virtue of section 51, being a claim fairly based on matter disclosed in—

(a) where the original application was an application for a petty patent—the petty patent specification lodged in respect of the original application; or

(b) where the original application was an application for a standard patent—the provisional specification or the complete specification lodged in respect of the original application,

is—

(c) in a case to which paragraph (a) applies—the date that would have been the priority date of the claim if the claim were the claim of the petty patent specification referred to in that paragraph; and

(d) in a case to which paragraph (b) applies—

(i) if a complete specification was lodged in respect of the application referred to in that paragraph— the date that would have been the priority date of the claim if the claim were a claim of that complete specification; and

(ii) if a complete specification was not lodged in respect of the application referred to in that paragraph—the date that would have been the priority date of the claim if a complete specification had been lodged in respect of that application and the claim were a claim of that complete specification.”;

(b) by inserting in sub-section (4a) “standard” before “patent” (first occurring); and

(c) by omitting sub-section (5).

**11.** After section 45 of the Principal Act the following section is inserted:

**Priority date of petty patent specification**

“45a. (1) Subject to this Act, the priority date of the claim of a petty patent specification is the date of lodgment of the specification.

“(2) The priority date of the claim of a petty patent specification lodged in respect of a further application for a petty patent made by virtue of section 51, being a claim fairly based on matter disclosed in—

(a) where the original application was an application for a petty patent—the petty patent specification lodged in respect of the original application; or

(b) where the original application was an application for a standard patent—the provisional specification or the complete specification lodged in respect of the original application,

is—

(c) in a case to which paragraph (a) applies—the date that would have been the priority date of the claim if the claim were the claim of the petty patent specification referred to in that paragraph; and

(d) in a case to which paragraph (b) applies—

(i) if a complete specification was lodged in respect of the application referred to in that paragraph—the date that would have been the priority date of the claim if the claim were a claim of that complete specification; and

(ii) if a complete specification was not lodged in respect of the application referred to in that paragraph—the date that would have been the priority date of the claim if a complete specification had been lodged in respect of that application and the claim were a claim of that complete specification.

“(3) Where a petty patent has been revoked in circumstances referred to in section 107, the priority date of the claim of a petty patent specification lodged in respect of an application for a petty patent made after the revocation by virtue of that section, being a claim fairly based on matter disclosed in the petty patent specification of the revoked petty patent, is the date that would have been the priority date of that claim if that claim were a claim of the petty patent specification of the revoked petty patent.”.

**Validity of patent not affected by publication, &c., after priority date**

**12.** Section 46 of the Principal Act is amended by inserting “or the claim of the petty patent specification, as the case may be” after “complete specification”.

**13.** Section 47 of the Principal Act is repealed and the following section substituted:

**Request for examination of standard patent**

“47. An applicant for a standard patent may, at any time before the expiration of 5 years after the date of lodgment of the complete specification, request the making of an examination of the application and complete specification.”.

**Power of Commissioner to direct applicant to request examination**

**14.** Section 47a of the Principal Act is amended—

(a) by inserting in sub-section (1) “for a standard patent” after “in respect of an application”; and

(b) by adding “for a standard patent or the consideration of an application for a petty patent” at the end of paragraph (c) of sub-section (2).

**Application for standard patent to lapse if continuation fee not paid**

**15.** Section 47d of the Principal Act is amended by inserting in sub-section (1) “for a standard patent” after “application”.

**Examination of application for standard patent**

**16.** Section 48 of the Principal Act is amended—

(a) by inserting in sub-section (1) “for a standard patent” after “applicant”;

(b) by omitting paragraph (a) of sub-section (3) and substituting the following paragraph:

“(a) shall ascertain and report whether the invention, so far as claimed in any claim, is the subject of—

(i) a claim of the complete specification of another application for a standard patent lodged in Australia; or

(ii) the claim of a petty patent specification of an application for a petty patent lodged in Australia,

being in either case a claim the priority date of which is earlier than the priority date of the first-mentioned claim;”;

(c) by omitting from paragraph (c) of sub-section (3) “patent” and substituting “standard patent or in the petty patent specification of a petty patent”; and

(d) by omitting from sub-section (4) “patent does not include a reference to a patent” and substituting “standard patent or petty patent does not include a reference to a standard patent or a petty patent, as the case may be,”.

**17.** Section 49a of the Principal Act is repealed and the following section substituted:

**Consideration and acceptance of petty patent application**

“49a. (1) Where an application is made for the grant of a petty patent, the Commissioner shall consider the application and petty patent specification and, if he is satisfied that the application and petty patent specification comply with the requirements of this Act and that the grant of the petty patent is not able to be refused under section 155, he shall, subject to sub-section (2), accept the application.

“(2) The Commissioner shall not accept an application for the grant of a petty patent if he is satisfied that there is lawful ground of objection to the grant of the petty patent or that the application or petty patent specification does not comply with the requirements of this Act.

“(3) For the purposes of considering an application for a petty patent and a petty patent specification, the Commissioner may make, or direct the conduct of, such investigations as he thinks fit.

“(4) Where an application for the grant of a petty patent is made and the Commissioner is of the opinion that the application or petty patent specification does not comply with the requirements of this Act or that there is lawful ground of objection to the grant of the petty patent, he shall notify the applicant accordingly and the applicant may, within such time as the Commissioner allows, lodge at the Patent Office a statement in writing of proposed amendments to the petty patent application or petty patent specification.

“(5) If the Commissioner is satisfied that a proposed amendment is an allowable amendment, or that proposed amendments are allowable amendments and that, if that amendment or those amendments were made, the application and petty patent specification would comply with the requirements of this Act and all lawful grounds of objection to the grant of the petty patent would be removed, the Commissioner shall allow the amendment or amendments, which shall thereupon be deemed to be made.

“(6) Where the Commissioner is not satisfied that a proposed amendment is an allowable amendment or is not satisfied that, if any proposed amendments that are allowable amendments were made, the application and petty patent specification would comply with the requirements of this Act and there would be no lawful ground of objection to the grant of the petty patent, he may refuse to accept the application.

“(7) An amendment of a petty patent specification is an allowable amendment for the purposes of sub-sections (5) and (6) if—

(a) the specification would not, as a result of the amendment, claim matter not in substance disclosed in the specification as lodged; or

(b) the amendment is for the purpose of correcting a clerical error or an obvious mistake.

“(8) Where the Commissioner refuses to accept a petty patent application, he shall notify the applicant of the reasons for the refusal and shall cause a notification of the refusal to be published in the *Official Journal.*

“(9) If an applicant for a petty patent who has been notified by the Commissioner under sub-section (4) that, in the opinion of the Commissioner, the application or petty patent specification does not comply with the requirements of this Act or that there is lawful ground of objection to the grant of the petty patent does not lodge at the Patent Office in accordance with that sub-section a statement of proposed amendments, the application shall lapse upon the expiration of the time allowed for the lodging of such a statement.

“(10) An appeal lies to a prescribed court from a decision of the Commissioner to refuse to accept an application for the grant of a petty patent.

“(11) A reference in this section, in relation to an application for the grant of a petty patent, to lawful ground of objection to the grant of the petty patent shall be read as including a reference to the following grounds of objection:

(a) that the grant of the petty patent may be refused under section 155;

(b) that the invention claimed in the claim of the petty patent specification is the subject of—

(i) a claim of the complete specification of an application

for a standard patent lodged in Australia; or

(ii) the claim of a petty patent specification of another application for a petty patent lodged in Australia,

being in either case a claim the priority date of which is earlier than the priority date of the first-mentioned claim;

(c) that the invention claimed in the claim of the petty patent specification has been published in Australia before the priority date of the claim;

(d) that the invention claimed in the claim of the petty patent specification is the subject of a claim of an earlier priority date contained in the complete specification of a standard patent or in the petty patent specification of a petty patent;

(e) that the invention claimed in the claim of the petty patent specification was not novel on the priority date of the claim.

“(12) The reference in paragraph (b) of sub-section (11) to an application does not include a reference to an application that has lapsed or has been refused or withdrawn or to an application upon which a patent has been granted and the reference in paragraph (d) of that sub-section to a standard patent or a petty patent does not include a reference to a standard patent or a petty patent, as the case may be, that is not in force.”.

**Single standard patent for cognate invention**

**18.** Section 50 of the Principal Act is amended by inserting in sub-section (1) “standard” before “patents”.

**19.** Section 51 of the Principal Act is repealed and the following section substituted:

**Voluntary division of applications**

“51. (1) Subject to sub-sections (2) and (3), an applicant for a standard patent (not being an applicant in respect of an application that has lapsed or has been refused or withdrawn) may, at any time before the application has been accepted, make a further application for a standard patent or for a petty patent, or further applications for standard patents or petty patents, in respect of an invention or inventions disclosed in the provisional specification or complete specification lodged in respect of the first-mentioned application.

(2) A further application for a standard patent or petty patent may not be made by virtue of sub-section (1) in respect of an invention disclosed in a provisional specification lodged more than 12 months before the date of the further application unless the invention is disclosed in the complete specification.

“(3) A further application for a petty patent may not be made by virtue of sub-section (1) in respect of an invention disclosed in a complete specification of an application for a standard patent unless examination of the application for a standard patent and of the complete specification has been requested.

“(4) An applicant for a standard patent (not being an applicant in respect of an application that has lapsed or has been refused or withdrawn) may, at any time after the application has been accepted and before sealing of a patent on the application, make a further application for a standard patent or a petty patent, or further applications for standard patents or petty patents, in respect of an invention or inventions falling within the scope of the claims of the complete specification that was accepted in respect of the first-mentioned application.

“(5) An applicant for a petty patent (not being an applicant in respect of an application that has lapsed or has been refused or withdrawn) may, at any time before the application has been accepted, make a further application for a petty patent or a standard patent, or further applications for petty patents or standard patents, in respect of an invention or inventions disclosed in the petty patent specification lodged in respect of the first-mentioned application.

“(6) A further application for a standard patent made by virtue of this section shall be accompanied by a complete specification.”.

**Acceptance of application for standard patent**

**20.** Section 52 of the Principal Act is amended by omitting from sub-section (1) “and complete specification, or that the grounds of objection to an application” and substituting “for a standard patent and complete specification, or that the grounds of objection to an application for a standard patent”.

**Request for modified examination of application for standard patent and complete specification**

**21.** Section 52a of the Principal Act is amended by inserting in sub-section (1) “for a standard patent” after “Convention application”.

**Request for deferment of examination of application for standard patent and complete specification**

**22.** Section 52b of the Principal Act is amended by inserting in paragraph (a) of sub-section (1) “for a standard patent” after “Convention application”.

**Modified examination of application for standard patent and complete specification**

**23.** Section 52c of the Principal Act is amended by omitting from paragraph (b) of sub-section (2) “paragraph (a) of sub-section (1) of section thirty-five of this Act” and substituting “paragraph (b) of sub-section (1) of section 35”.

**Lapsing of application for standard patent**

**24.** Section 53 of the Principal Act is amended by inserting “for a standard patent “after “application “(first occurring).

**Time for acceptance of application for standard patent**

**25.** Section 54 of the Principal Act is amended—

(a) by inserting in sub-section (1) “for a standard patent” after “application” (first occurring);

(b) by inserting in sub-section (1a) “for a standard patent” after “applicant” (first occurring);

(c) by inserting in sub-section (1b) “for a standard patent” after “application”; and

(d) by inserting in paragraph (a) of sub-section (2) “for a standard patent” after “application”.

**Publication of complete specification or petty patent specification**

**26.** Section 54a of the Principal Act is amended—

(a) by omitting sub-sections (3) and (4) and substituting the following sub-sections:

“(3) Where a further application for a standard patent or a petty patent is made by virtue of section 51 and—

(a) in a case where the original application was an application for a standard patent—the complete specification lodged in respect of the original application was open to public inspection at the time when the further application was lodged; or

(b) in a case where the original application was an application for a petty patent—the petty patent specification was open to public inspection at the time when the further application was lodged,

the Commissioner shall forthwith publish in the *Official Journal* a notification that the complete specification or the petty patent specification, as the case may be, lodged in respect of the further application is open to public inspection.

“(4) Where a further application for a standard patent or a petty patent is made by virtue of section 51 and—

(a) in a case where the original application was an application for a standard patent and the further application was also an application for a standard patent—

(i) the acceptance of the original application is to be advertised in the *Official Journal* or a notification is to be published in the *Official Journal* that the complete specification lodged in respect of the original application is open to public inspection; or

(ii) the acceptance of the further application is to be advertised in the *Official Journal* or a notification is to be published in the *Official Journal* that the complete specification lodged in respect of the further application is open to public inspection;

(b) in a case where the original application was an application for a standard patent and the further application was an application for a petty patent—

(i) the acceptance of the original application is to be advertised in the *Official Journal* or a notification is to be published in the *Official Journal* that the complete specification lodged in respect of the original application is open to public inspection; or

(ii) a notification is to be published in the *Official Journal* that the petty patent specification lodged in respect of the further application is open to public inspection;

(c) in a case where the original application was an application for a petty patent and the further application was an application for a standard patent—

(i) a notification is to be published in the *Official Journal* that the petty patent specification lodged in respect of the original application is open to public inspection; or

(ii) the acceptance of the further application is to be advertised in the *Official Journal* or a notification is to be published in the *Official Journal* that the complete specification lodged in respect of the further application is open to public inspection; or

(d) in a case where the original application was an application for a petty patent and the further application was also an application for a petty patent—

(i) a notification is to be published in the *Official Journal* that the petty patent specification lodged in respect of the original application is open to public inspection; or

(ii) a notification is to be published in the *Official Journal* that the petty patent specification lodged in respect of the further application is open to public inspection,

the Commissioner shall also publish in the *Official Journal* a notification that—

(e) in a case to which sub-paragraph (i) of paragraph (a) applies—the further application referred to in paragraph (a);

(f) in a case to which sub-paragraph (ii) of paragraph (a) applies—the original application referred to in paragraph (a);

(g) in a case to which sub-paragraph (i) of paragraph (b) applies—the further application referred to in paragraph (b);

(h) in a case to which sub-paragraph (ii) of paragraph (b) applies—the original application referred to in paragraph (b);

(j) in a case to which sub-paragraph (i) of paragraph (c) applies—the further application referred to in paragraph (c);

(k) in a case to which sub-paragraph (ii) of paragraph (c) applies—the original application referred to in paragraph (c);

(l) in a case to which sub-paragraph (i) of paragraph (d) applies—the further application referred to in paragraph (d); and

(m) in a case to which sub-paragraph (ii) of paragraph (d) applies—the original application referred to in paragraph (d),

is open to public inspection.”; and

(b) by omitting from sub-section (5) “section one hundred and thirty-one of this Act in relation to an application” and substituting “section 131 in relation to an application for a standard patent”.

**Documents open to public inspection**

**27.** Section 54b of the Principal Act is amended—

(a) by inserting in paragraph (a) of sub-section (1) “for a standard patent” after “application”;

(b) by inserting in paragraph (b) of sub-section (1) “for a standard patent” after “application”; and

(c) by omitting sub-sections (2) and (3) and substituting the following sub-sections:

“(2) Where a notification has been published in the *Official Journal that* a petty patent specification is open to public inspection or that a petty patent application and petty patent specification are open to public inspection, the following documents are, subject to this Act, open to public inspection:

(a) the petty patent application;

(b) the petty patent specification;

(c) the declaration lodged under sub-section (3) of section 35 in respect of the petty patent application;

(d) in the case of a Convention application—the documents referred to in sub-sections (3) and (4) of section 143; and

(e) each other document relating to the application for the petty patent that has been lodged at or sent to the Patent Office by or on behalf of the applicant and a copy of each document relating to the application for the petty patent that has been sent or given to the applicant by the Commissioner.

“(3) Where a document referred to in sub-section (1) or (2) is a document that is open to public inspection and that document has been or is amended, the document as so amended is, subject to this Act, also open to public inspection.

“(4) Where a complete specification or a petty patent specification, or a complete specification as amended or a petty patent specification as amended, has become open to public inspection, that specification, or that specification as amended, as the case may be, shall be deemed to have been published.

“(5) Where, after a petty patent has been granted, the patentee lodges at, or sends to, the Patent Office any document relating to the petty patent or the Commissioner sends or gives to the patentee any document relating to the petty patent, that document or a copy of that document, as the case may be, shall be open to public inspection.”.

**28.** After section 54c of the Principal Act the following section is inserted:

**Effect of publication of petty patent specification**

“54d. (1) If a petty patent specification has become open to public inspection before the sealing of a patent on the application, the applicant has, subject to this section and to section 67, the like privileges and rights as he would have had if a patent for the invention had been sealed on the date on which the petty patent specification became open to public inspection.

“(2) Sub-section (1) does not give to the applicant a right to bring an action or proceeding in respect of the doing of an act unless the act would, if it had been done after the sealing of the patent that was granted on the application, have constituted an infringement of the claim of the petty patent specification to which the patent relates.

“(3) It is a defence to an action or proceeding brought under sub-section (1) in respect of the doing of an act after the petty patent specification became open to public inspection but before the sealing of a patent on the application if the defendant establishes that a patent could not validly have been granted in respect of the claim of the petty patent specification as framed at the time when the act was done.”.

**Certain documents not to be published**

**29.** Section 55 of the Principal Act is amended—

(a) by inserting in paragraph (b) of sub-section (1) “for a standard patent” after “application”;

(b) by omitting “or” from the end of paragraph (b) of sub-section (1); and

(c) by inserting after paragraph (c) of sub-section (1) the following paragraphs:

“; (ca) an application for a petty patent which has not become open to public inspection; or

(cb) a petty patent specification which has not become open to public inspection,”.

**Opposition to grant of standard patent**

**30.** Section 59 of the Principal Act is amended—

(a) by inserting in sub-section (1) “for a standard patent” after “application” (first occurring);

(b) by omitting paragraph (c) of sub-section (1) and substituting the following paragraph:

“(c) that the invention, so far as claimed in any claim, is the subject of—

(i) a claim of the complete specification of another application for a standard patent lodged in Australia; or

(ii) the claim of a petty patent specification of an application for a petty patent lodged in Australia,

being in either case a claim the priority date of which is earlier than the priority date of the first-mentioned claim;”;

(c) by inserting in paragraph (d) of sub-section (1) “or petty patent specification” after “specification “; and

(d) by omitting from sub-section (2) “patent does not include a reference to a patent” and substituting “standard patent or petty patent does not include a reference to a standard patent or a petty patent, as the case may be,”.

**Sealing of standard patent**

**31.** Section 62 of the Principal Act is amended by inserting “standard” before “patent” (wherever occurring).

**32.** After section 62 of the Principal Act the following section is inserted:

**Sealing and publication of petty patent**

“62a. (1) Where the Commissioner has accepted an application for a petty patent and the petty patent specification under section 49a, the Commissioner shall forthwith cause a petty patent, in accordance with the prescribed form, to be sealed with the seal of the Patent Office.

“(2) Where a petty patent has been sealed in accordance with sub-section (1), the Commissioner shall cause to be published in the *Official Journal* a notification of the sealing of the petty patent stating that the petty patent application and petty patent specification are open to public inspection.”.

**Time for sealing of standard patent**

**33.** Section 66 of the Principal Act is amended—

(a) by inserting in sub-section (1) “standard” before “patent”;

(b) by inserting in sub-section (3) “standard” before “patent” (first occurring);

(c) by inserting in sub-section (4) “for a standard patent” after “applicant”;

(d) by inserting in sub-section (5) “for a standard patent” after “applicant”; and

(e) by inserting in sub-section (6) “standard” before “patent”.

**Date of patent, &c.**

**34.** Section 67 of the Principal Act is amended—

(a) by omitting sub-sections (1) and (2) and substituting the following sub-sections:

“(1) Subject to this Act, a patent shall be dated—

(a) in the case of a standard patent—as of the date on which the complete specification was lodged; and

(b) in the case of a petty patent—as of the date on which the petty patent specification was lodged.

“(2) Subject to this Act (other than sub-section (1)), a patent granted on an application made by virtue of section 51 shall be dated as of the date of lodgment of the specification (not being a provisional specification) in which the invention the subject of the application was first disclosed.”; and

(b) by omitting sub-section (4) and substituting the following sub-section—

“(4) A person is not entitled to institute proceedings for infringement—

(a) in the case of a standard patent—

(i) unless and until a patent for the invention has been sealed; or

(ii) in respect of an infringement committed before the complete specification became open to public inspection; or

(b) in the case of a petty patent—

(i) unless and until a patent for the invention has been sealed; or

(ii) in respect of an infringement committed before the petty patent specification became open for public inspection.”.

**Term of standard patent**

**35.** Section 68 of the Principal Act is amended—

(a) by inserting in sub-section (1) “standard” before “patent” (first occurring);

(b) by inserting in sub-section (2) “standard” before “patent”; and

(c) by inserting in sub-section (3) “of a standard patent” after “patentee”.

**36.** After section 68 of the Principal Act the following sections are inserted:

**Term of petty patent**

“68a. Subject to section 95 and to Part XI, the term of a petty patent shall consist of—

(a) a period of 12 months commencing on the date of the sealing of the patent; and

(b) if an extension of the term of the patent is granted in accordance with section 68b—an additional period commencing on the day immediately following the expiration of the period mentioned in paragraph (a) and ending at the expiration of 6 years after the date of the patent.

**Extension of term of petty patent**

“68b. (1) A patentee of a petty patent may make an application in accordance with sub-section (2) for the grant of an extension of the term of the petty patent.

“(2) An application under sub-section (1)—

(a) shall be made at least 1 month before the expiration of the period mentioned in paragraph (a) of section 68a;

(b) shall be made in the prescribed manner; and

(c) shall be accompanied by the prescribed fee.

“(3) A person may, at any time within 11 months after the sealing of a petty patent, by notice in writing lodged at the Patents Office and accompanied by such documents (if any) as are prescribed, inform the Commissioner of any facts that the person asserts establish, in relation to the petty patent, any of the grounds set out in paragraphs (b), (c), (d), (e), (f) and (g) of sub-section (1) of section 100.

“(4) Where an application for an extension of the term of a petty patent has been made under sub-section (1), the following provisions of this section apply in relation to the application.

“(5) Subject to this section, if the Commissioner is not satisfied of the existence, in relation to the petty patent, of any of the grounds set out in paragraphs (b), (c), (d), (e), (f) and (g) of sub-section (1) of section 100, the Commissioner shall grant an extension of the term of the petty patent.

“(6) If the Commissioner is satisfied of the existence, in relation to the petty patent, of any of the grounds mentioned in paragraphs (b), (c), (d), (e), (f) and (g) of sub-section (1) of section 100, the Commissioner may refuse to grant an extension of the term of the petty patent.

“(7) If the Commissioner has been informed by a notice or notices lodged in relation to the petty patent under sub-section (3), or the Commissioner has otherwise become aware, of facts that may establish, in relation to the petty patent, any of the grounds set out in paragraphs (b), (c), (d), (e), (f) and (g) of sub-section (1) of section 100, the Commissioner shall forthwith—

(a) notify the patentee of those facts; and

(b) where a notice has been lodged or notices have been lodged in relation to the petty patent under sub-section (3)—furnish to the patentee a copy of each document that was lodged with the notice or notices, as the case may be.

“(8) Where a notice has been lodged, or notices have been lodged, under sub-section (3) in relation to the petty patent, the Commissioner shall not grant an extension of the term of the petty patent unless he has given to the person who lodged the notice, or each of the persons who lodged the notices, as the case may be, an opportunity of being heard.

“(9) Where the Commissioner grants an extension of the term of a petty patent, he shall forthwith cause to be published in the *Official Journal* a notification of the grant of the extension.

“(10) Where the Commissioner refuses to grant an extension of the term of a petty patent, he shall forthwith—

(a) give to the applicant notice in writing of the refusal and of the reasons for the refusal; and

(b) publish in the *Official Journal* a notification of the refusal.

“(11) An appeal lies to a prescribed court from a refusal by the Commissioner to grant an extension of the term of a petty patent.

“(12) A person who has lodged a notice under sub-section (3) in relation to a petty patent may appeal to a prescribed court from a decision of the Commissioner to grant an extension of the term of the petty patent.

“(13) A copy of any notice or document lodged under sub-section (3) shall be made available for public inspection as soon as practicable after the notice or document is lodged.

“(14) Where the Commissioner has refused to grant an extension of the term of a petty patent (in this sub-section referred to as the ‘original petty patent’) on the ground, or on grounds that include the ground, that the invention claimed in the claim of the petty patent specification was obtained in contravention of the rights of a person (in this sub-section referred to as the ‘new applicant’) who has lodged a notice under sub-section (3) in relation to the petty patent, or in contravention of the rights of a person through whom a person (in this sub-section referred to as the ‘new applicant’) who has lodged a notice under sub-section (3) in relation to the petty patent claims, the Commissioner may, on application made in accordance with the provisions of this Act, grant to the new applicant a petty patent for the invention, and the claim of the petty patent specification of that petty patent shall have the same priority date as the claim of the petty patent specification in respect of the original petty patent.”.

**37.** Before section 72 of the Principal Act the following section is inserted in Part VII:

**Part not to apply to petty patents**

“71a. In this Part ‘patent’ does not include a petty patent.”.

**Amendment of specification**

**38.** Section 77 of the Principal Act is amended by inserting in sub-section (1) “or his petty patent specification, as the case may be” after “specification”.

**Nature of amendments allowable**

**39.** Section 78 of the Principal Act is amended—

(a) by omitting sub-section (2) and substituting the following sub-section:

“(2) An amendment under this Part of a complete specification or a petty patent specification is not allowable after the specification has become open to public inspection if, as a result of the amendment—

(a) in the case of a complete specification—a claim of the specification would not in substance fall within the scope of the claims of the specification before amendment; and

(b) in the case of a petty patent specification—the claim of the specification would not in substance fall within the scope of the claim of the specification before amendment.”; and

(b) by omitting from sub-section (4) “complete”.

**Advertisement of request**

**40.** Section 81 of the Principal Act is amended by omitting from sub-section (3) “complete”.

**41.** Section 85 of the Principal Act is repealed and the following section substituted:

**No amendment where action pending**

“85. The preceding provisions of this Part do not apply, in the case of a request by a patentee for leave to amend his complete specification or petty patent specification, as the case may be, when, and so long as there is pending—

(a) an action for an infringement of the patent;

(b) a proceeding for revocation of the patent; or

(c) a proceeding in which—

(i) in the case of a standard patent—the validity of the patent or of a claim of the complete specification is disputed; or

(ii) in the case of a petty patent—the validity of the petty patent or of the claim of the petty patent specification is disputed,

whether commenced before or after the lodging of the request for leave to amend.”.

**Court may direct amendment**

**42.** Section 86 of the Principal Act is amended by omitting sub-section (1) and substituting the following sub-section:

“(1) In—

(a) an action for an infringement of a patent;

(b) a proceeding for revocation of a patent; or

(c) a proceeding in which—

(i) the validity of a standard patent, or of a claim of the complete specification of a standard patent, is disputed; or

(ii) the validity of a petty patent or of the claim of the petty patent specification is disputed,

the court or Judge may, at any time, by order made on the application of the patentee, subject to such terms (if any) as to costs, advertisements or otherwise as the court or Judge imposes, direct the amendment of the specification in the manner specified in the order.”.

**Petition to prescribed court for extension of term of standard patent**

**43.** Section 90 of the Principal Act is amended by inserting in sub-section (1) “of a standard patent” after “patentee”.

**Extension of term of standard patent on ground of inadequate remuneration**

**44.** Section 94 of the Principal Act is amended—

(a) by inserting in sub-section (1) “of a standard patent” after “patentee”; and

(b) by inserting in paragraph (b) of sub-section (1) “standard” after “new”.

**Extension on ground of war loss**

**45.** Section 95 of the Principal Act is amended—

(a) by inserting in sub-section (4) “standard” before “patent” (first occurring);

(b) by inserting after sub-section (4) the following sub-section:

“(4a) An application for the extension of a petty patent may be made under this section notwithstanding that the patent has previously been extended, or a new patent for the invention has previously been granted, on one or more occasions, under this section.”;

(c) by inserting in paragraph (b) of sub-section (9) “(being a patent of the same kind as the expired patent)” after “patent”;

(d) by inserting in paragraph (b) of sub-section (10) “(being a patent of the same kind as the expired patent)” after “patent”; and

(e) by omitting sub-section (11) and substituting the following sub-sections:

“(11) Subject to sub-section (11a), the term granted on the application (whether by way of extension or grant of a new patent) shall not exceed—

(a) in the case of a standard patent—10 years; or

(b) in the case of a petty patent—5 years.

“(11a) The aggregate of the terms that may be granted under this section in relation to a patent (whether by way of an extension or grant of a new patent) shall not exceed—

(a) in the case of a standard patent—10 years; or

(b) in the case of a petty patent—5 years.”.

**Amendment of heading to Part X**

**46.** The heading to Part X of the Principal Act is amended by inserting “ STANDARD” before “PATENTS”.

**Application for restoration of standard patents which have ceased**

**47.** Section 97 of the Principal Act is amended by inserting “standard” before “patent” (first occurring).

**Grounds of relocation**

**48.** Section 100 of the Principal Act is amended—

(a) by omitting sub-section (1) and substituting the following sub-section:

“(1) A standard patent may be revoked, either wholly or in so far as it relates to any claim of the complete specification, and a petty patent may be revoked, on one or more of the following grounds, but on no other ground:

(a) that the applicant was not a person entitled to apply for the patent, so far as the invention is claimed in any claim of the complete specification or in the claim of the petty patent specification, as the case may be;

(b) that the patent, so far as the invention is claimed in any claim of the complete specification or in the claim of the petty patent specification, as the case may be, was obtained in contravention of the rights of the petitioner or of some person under or through whom the petitioner claims;

(c) that the complete specification or petty patent specification, as the case may be, does not comply with the requirements of section 40;

(d) that the invention, so far as claimed in any claim of the complete specification or in the claim of the petty patent specification, as the case may be, is not an invention within the meaning of this Act;

(e) that the invention, so far as claimed in any claim of the complete specification or in the claim of the petty patent specification, as the case may be, was obvious and did not involve an inventive step having regard to what was known or used in Australia on or before the priority date of that claim;

(f) that the invention, so far as claimed in any claim of the complete specification or in the claim of the petty patent specification, as the case may be, is the subject of a valid claim of earlier priority date contained in the complete specification of a standard patent or in the petty patent specification of a petty patent;

(g) that the invention, so far as claimed in any claim of the complete specification or in the claim of the petty patent specification, as the case may be, was not novel in Australia on the priority date of that claim;

(h) that the invention, so far as claimed in any claim of the complete specification or in the claim of the petty patent specification, as the case may be, is not useful;

(j) that the patentee has contravened, or has not complied with, the conditions contained in the patent;

(k) that the patent was obtained on a false suggestion or representation;

(l) that the invention, so far as claimed in any claim of the complete specification or in the claim of the petty patent specification, as the case may be, was secretly used in Australia before the priority date of the claim;

(m) that allowance of an amendment under section 49 or 49a was obtained by fraud;

(n) that, in the case of a standard patent, allowance of an amendment under section 52d was obtained by fraud;

(o) that leave to amend, or a direction to amend, the complete specification or the petty patent specification, as the case may be, under Part VIII was obtained by fraud.”; and

(b) by omitting from sub-section (3) “paragraph (k) of sub-section (1) of this section” and substituting “paragraph (1) of sub-section (1)”.

**Powers of court**

**49.** Section 103 of the Principal Act is amended by inserting in paragraph (b)”, in the case of a standard patent,” after “if”.

**Surrender of patent**

**50.** Section 106 of the Principal Act is amended by omitting sub-section (3) and substituting the following sub-section:

“(3) Where–

(a) an action for infringement of a patent;

(b) a proceeding for the revocation of a patent; or

(c) a proceeding in which—

(i) the validity of a standard patent or of a claim of the complete specification of a standard patent is disputed; or

(ii) the validity of a petty patent or of the claim of the petty patent specification is disputed,

is pending in a court, the Commissioner shall not accept the offer for the surrender, or revoke the patent, except by leave of the court or by consent of the parties to the action or proceeding.”.

**Grant of patent where patent revoked**

**51.** Section 107 of the Principal Act is amended by omitting sub-section (1) and substituting the following sub-section:

“(1) Where—

(a) a standard patent, in so far as it relates to any claim of the complete specification, or a petty patent, has been revoked on the ground of fraud; or

(b) a patent fraudulently obtained has been surrendered and revoked,

the Commissioner may, on application made in accordance with the provisions of this Act, grant to the applicant, in lieu of the patent so revoked, a patent for the whole or a part of the invention, being a patent of the same kind as the revoked patent.”.

**Revocation of standard patent for non-working**

**52.** Section 109 of the Principal Act is amended by inserting in sub-section (1) “in respect of a standard patent” after “licence”.

**Declaration as to non-infringement**

**53.** Section 120 of the Principal Act is amended—

(a) by omitting sub-section (1) and substituting the following sub-section:

“(1) A person who desires to use a process, or to make, use or sell an article, may, by action in a prescribed court against a patentee or exclusive licensee, claim a declaration that the use of the process, or the making, use or sale of the article, would not constitute an infringement of—

(a) in the case of a standard patent—a claim of the complete specification; or

(b) in the case of a petty patent—the claim of the petty patent specification,

although no assertion to the contrary has been made by the patentee or licensee.”;

(b) by omitting from sub-section (5) “specification of a” and substituting “complete specification of a standard patent or the claim of the petty patent specification of a petty”; and

(c) by omitting sub-section (6) and substituting the following sub-sections:

“(6) Proceedings for a declaration under this section may be taken at any time after the complete specification or the petty patent specification, as the case may be, has become open to public inspection.

“(7) References in this section to a patentee, in relation to a patent, shall be read as including references to an applicant whose complete specification or petty patent specification, as the case may be, has become open to public inspection.”.

**Groundless threats of legal proceedings**

**54.** Section 121 of the Principal Act is amended—

(a) by omitting from paragraph (a) of sub-section (1) “or”; and

(b) by omitting paragraph (b) of sub-section (1) and substituting the following paragraphs:

“(b) an infringement of rights arising under section 54c in respect of a claim in a complete specification that is not shown to be a claim that would be invalid if a standard patent had been granted in respect of the complete specification; or

(c) an infringement of rights arising under section 54d in respect of the claim of a petty patent specification that is not shown to be a claim that would be invalid if a petty patent had been granted in respect of the petty patent specification.”.

**Use of inventions for services of the Commonwealth or a State**

**55.** Section 125 of the Principal Act is amended by inserting in sub-section (2) “or of the claim of the petty patent specification, as the case may be “after “specification”.

**Prohibition of publication of information with respect to inventions**

**56.** Section 131 of the Principal Act is amended—

(a) by inserting in sub-section (3) “for a standard patent” after “application” (first occurring);

(b) by inserting after sub-section (3) the following sub-section:

“(3a) Where an order is in force under this section in relation to an application for a petty patent, the application may proceed up to the acceptance of the application and specification but a patent shall not be granted on the application.”; and

(c) by inserting in sub-section (4) “in relation to an application for a standard patent” after “section”.

**Applications under International Conventions**

**57.** Section 141 of the Principal Act is amended—

(a) by omitting from sub-section (1) “patent” and substituting “standard patent or a petty patent”; and

(b) by inserting in sub-section (1), “or of the claim of the petty patent specification, as the case may be” after “specification”.

**Multiple priorities**

**58.** Section 142 of the Principal Act is amended by inserting in sub-section (4) “or of the claim of the petty patent specification, as the case may be” after “specification”.

**Partial priorities**

**59.** Section 142a of the Principal Act is amended by inserting “for a standard patent or the claim of the petty patent specification accompanying a Convention application for a petty patent” after “Convention application”.

**Manner of making Convention application**

**60.** Section 143 of the Principal Act is amended—

(a) by omitting sub-section (1) and substituting the following sub-section:

“(1) A Convention application—

(a) in the case of an application for a standard patent—

(i) shall, subject to sub-paragraph (ii), be made and proceeded with in the same manner as an ordinary application for a standard patent; and

(ii) shall be accompanied by a complete specification; and

(b) in the case of an application for a petty patent—shall be made and proceeded with in the same manner as an ordinary application for a petty patent.”;

(b) by inserting in sub-section (2) “for a standard patent” after “application”;

(c) by inserting after sub-section (2) the following sub-section:

“(2a) The claim of a petty patent specification accompanying a Convention application for a petty patent may be a claim the priority date of which is the date of lodgment of that specification.”; and

(d) by inserting in sub-section (3) “or petty patent specification, as the case requires” after “complete specification”.

**Refusal of certain applications**

**61.** Section 155 of the Principal Act is amended by omitting from sub-section (1) “complete”.

**Construction of amended specification**

**62.** Section 157a of the Principal Act is amended by inserting “or a petty patent specification as amended” after “as amended”.

**Invention not anticipated or patent not invalid in certain cases**

**63.** Section 158 of the Principal Act is amended by inserting in sub-section (1) “or in the claim of the petty patent specification, as the case may be” after “complete specification”.

**Certain objections not competent**

**64.** Section 159 of the Principal Act is amended—

(a) by inserting in sub-section (1) “or the petty patent specification, as the case may be, “after “complete specification”.

(b) by inserting in sub-section (2) “or petty patent specification, as the case may be,” after “specification “; and

(c) by adding at the end thereof the following sub-section:

“(3) Sub-sections (1) and (2) do not apply in relation to a petty patent specification that has been amended by an amendment that was not allowable where the result of the amendment is that the specification as amended claims an invention that was not the subject of the application or that was not described or claimed in the specification as lodged.”.

**Priority date of certain amended claims**

**65.** Section 159a of the Principal Act is amended by omitting from sub-section (3) “sub-section (1) of section forty-nine a of this Act or sub-section (1) of”.

**Restriction on recovery of damages, &c.**

**66.** Section 159b of the Principal Act is amended—

(a) by omitting from sub-section (2) “This section” and substituting “Sub-section (1)”; and

(b) by adding at the end thereof the following sub-section:

“(3) Where an amendment is made under this Act to a petty patent specification after the specification became open to public inspection, damages shall not be awarded, and an order shall not be made for an account of profits, in an action for an infringement of the patent occurring before the date of the decision or order allowing or directing the amendment, unless the court is satisfied that the specification without the amendment was framed in good faith and with reasonable skill and knowledge.”.

**Applications for licences in case of standard patent**

**67.** Section 159c of the Principal Act is amended by inserting in paragraph (a) of sub-section (1) “standard” before “patent”.

**Particulars of objections**

**68.** Section 166 of the Principal Act is amended by omitting sub-section (1) and substituting the following sub-section:

“(1) A person who applies under this Act for the revocation of a patent and a person who, in an action or proceeding—

(a) disputes the validity of a standard patent, either wholly or in so far as it relates to a claim of the complete specification; or

(b) disputes the validity of a petty patent,

shall deliver with his petition, or with the pleading or other document in which he disputes the validity of the patent, particulars of the grounds of invalidity on which he relies.”.

**Costs where standard patent bad in part**

**69.** Section 168 of the Principal Act is amended by inserting “standard” before “patent”.

**70.** Section 169 of the Principal Act is repealed and the following section is substituted:

**Certificate of validity**

“169. In an action or proceeding in which the validity of a patent is disputed, the court may certify—

(a) in the case of a standard patent—that the validity of a claim of the complete specification came into question; or

(b) in the case of a petty patent—that the validity of the claim of the petty patent specification came into question,

and, if the court so certifies, then, in a subsequent action or proceeding for the infringement of that claim, or for the revocation of the patent so far as it relates to that claim, the patentee, or other person supporting the validity of the claim, on obtaining a final order or judgment in his favour, is entitled, unless the court trying the action or proceeding otherwise directs, to have his full costs, charges and expenses as between solicitor and client so far as that claim is concerned.”.

**Publication of journal, indexes, &c.**

**71.** Section 175 of the Principal Act is amended by inserting in sub-section (2) “and petty patent specifications” after “complete specifications”.

**Regulations**

**72.** Section 177 of the Principal Act is amended—

(a) by inserting in paragraph (a) “or a petty patent specification after “complete specification”; and

(b) by inserting in paragraph (ab) “or the petty patent specification, as the case may be,” after “specification”.

**Formal amendments**

**73.** The Principal Act is amended as set out in the Schedule.

SCHEDULE Section 73

FORMAL AMENDMENTS

1. The following provisions of the Principal Act are amended by omitting any number expressed in words that is used, whether with or without the addition of a letter, to identify a section of that Act or of another Act, and substituting that number expressed in figures:

Sections 4(2), 5(3), 6 (definitions of “examination”, “modified examination” “the *Official Journal*”and “the Register”), 22, 41(1), 45(3) and (4a), 47e(3) and (9) 48(1), (2), (3) and (5), 50(1a) and (1b), 52(3), 52a(1) and (4), 52b(1), (2), (3) and (4), 52c(2)(c), (d) and (e), (3) and (4), 52d(2), (4), (6), (8) and (10), 52e, 54(1), (1a) and (46), 54b(1), 54c(1), 56, 57(1), 59(1), (2a) and (4), 78(4), 82, 86(3), 100(4), 129(2), 136(1) and (2), 137, 138, 141(1), 159(2), 159a(1), (3), (5) and (6), 159b(2), 159c (1) and (2), 160(8) and 162(2).

2. The following provisions of the Principal Act are amended by omitting “of this Act”, “of this section” and “of this sub-section “(wherever occurring):

Sections 6 (definitions of “examination”, “modified examination”, “the *Official Journal”* and “the Register”), 22, 34(1) and (3), 41(1), 45(3) and (4a), 47e(3) and (9), 48(2)(b) and (3), 49(3) and (8), 52(1) and (3), 52a(1)and (4), 52b, 52c(2)(c), (d) and (e) and (3), 52d(2) and (10), 54(1), (1b) and (4), 54b(1), 54c(1) and (3), 56, 57(1) and (3), 59(1), (2a) and (4), 78(4), 82, 86(3) and (4), 100(4), 107(3), 120(3), 125(3), (4), (5), (8) and (9), 129(2), 136(1), 141(1) 153(6), 154(3), 159(2), 159a(1) and (3), 159b(2), 159c(1) and (3), 160(4) and (8) and 162(2).

3. The following provisions of the Principal Act are amended by omitting “Two hundred dollars” and substituting “$200”:

Sections 18(1), 19, 136(1), (2), (3) and (4), 137, 174(1) and (2).

4. The following provisions of the Principal Act are amended by omitting “six” and substituting “6”:

Sections 47c, 47d(2), 59(1), 66(1) and (2), 68(3), 90(1), 95(5), 131(2), 158(1) and (2), 177.

5. The following provisions of the Principal Act are amended by omitting “twelve” and substituting “12”:

Sections 41(1), 42(1), 54(1) and (1a), 66(4), 141, 142(1).

6. The Principal Act is further amended as set out in the following table:

|  |  |
| --- | --- |
| Provision | Amendment |
| Sub-section 4(1) | (a) Omit “the first column”, substitute “column 1”.  (b) Omit “to this Act”.  (c) Omit “the second column”, substitute “column 2”.  (d) Omit “that”, substitute “the”. |
| Sub-section 4(2) | Omit “the last preceding sub-section”, substitute “sub-section (1)” |
| Sub-section 5(4) | Omit “either of the last two preceding sub-sections”, substitute “sub-section (2) or (3)”. |
| Paragraph 5(4)(b) | Omit “two”, substitute “2”. |
| Sub-section 10(2) | Omit “the next succeeding section”, substitute “section 11”. |
| Section 16 | Omit “One hundred dollars”, substitute “$100”. |
| Section 17 | Omit “One hundred dollars”, substitute “$100”. |
| Section 22 | Omit “the next succeeding section”, substitute “section 23”. |

SCHEDULE—continued

|  |  |
| --- | --- |
| Provision | Amendment |
| Section 27 | Omit “The last preceding section”, substitute “Section 26”. |
| Section 31 | Omit “the next succeeding section”, substitute “section 32”. |
| Section 33 | Omit “three”, substitute “3”. |
| Sub-section 34(2) | Omit “Two”, substitute “2”. |
| Sub-section 45(2) | Omit “the next succeeding sub-section”, substitute “sub-section (3)”. |
| Sub-section 45(3) | Omit “two”, substitute “2”. |
| Sub-section 47a(1) | (a) Omit “the next succeeding sub-section”, substitute “sub-section (2)”. |
|  | (b) Omit “five”, substitute “5”. |
| Sub-section 47a(2) | Omit “the last preceding sub-section”, substitute “sub-section (1)”. |
| Sub-section 47b(1) | Omit “five” substitute “5”. |
| Sub-section 47b (2) | Omit “The last preceding sub-section”, substitute “Sub-section (1)”. |
| Paragraph 47c(a) | Omit “five”, substitute “5”. |
| Sub-section 47d(1) | Omit “the next succeeding section”, substitute “section 47e”. |
| Sub-section 47e(1) | Omit “either of the last two preceding sections”, substitute “section 47c or 47d”. |
| Sub-section 47e(3) | Omit “the last preceding section”, substitute “section 47d”. |
| Sub-section 48(1) | Omit “ of this Act” (first occurring). |
| Paragraph 48(3)(b) | Omit “fifty”, substitute “50”. |
| Sub-section 48(4) | Omit “the last preceding sub-section”, substitute “sub-section (3)”. |
| Sub-section 48(5) | Omit “of this Act”. |
| Section 48a | Omit “the last preceding section”, substitute “section 48”. |
| Sub-section 49(1) | Omit “either of the last two preceding sections”, substitute “section 48 or 48a”. |
| Sub-section 49(3) | Omit “the last preceding sub-section” (wherever occurring), substitute “sub-section (2)”. |
| Sub-section 49(5) | Omit “the last two preceding sections”, substitute “sections 48 and 48a”. |
| Sub-section 49(6) | Omit “the last preceding sub-section”, substitute “sub-section (5)”. |
| Sub-section 49(7) | (a) Omit “the last preceding sub-section”, substitute “sub-section (6)”.  (b) Omit “the last two preceding sections”, substitute “sections 48 and 48a”. |
| Sub-section 50(1) | Omit “two”, substitute “2”. |
| Sub-section 50(1a) | Omit “of this Act”(first occurring). |
| Sub-section 50(1b) | Omit “of this Act” (first occurring). |
| Sub-section 50a(1) | (a) Omit “the last preceding section”, substitute “section 50”. |
|  | (b) Omit “the last preceding paragraph”, substitute “paragraph (c)”. |
| Sub-section 50a(2) | Omit “the last preceding sub-section”, substitute “sub-section (1)”. |
| Sub-section 52b(2) | Omit “the last preceding sub-section”, substitute “sub-section (1)”. |
| Paragraph 52b(3)(a) | Omit “nine”, substitute “9”. |
| Sub-section 52b(4) | Omit “the last preceding sub-section”, substitute “sub-section (3)”. |
| Sub-section 52c(4) | Omit “the last preceding sub-section”, substitute “sub-section (3)”. |
| Sub-section 52d(1) | Omit “the last preceding section”, substitute “section 52c”. |
| Paragraph 52d(2)(b) | Omit “the last preceding section”, substitute “section 52c”. |
| Sub-section 52d(3) | (a) Omit “the next succeeding sub-section”, substitute “sub-section (4)”.  (b) Omit “the last preceding section”, substitute “section 52c”. |
| Sub-section 52d(4) | (a) Omit “the last preceding sub-section”, substitute “sub-section (3)”.  (b) Omit “of this Act”. |
| Sub-section 52d(5) | Omit “the last preceding section”, substitute “section 52c”. |
| Paragraph 52d(6)(b) | Omit “of this Act”. |

SCHEDULE—continued

|  |  |
| --- | --- |
| Provision | Amendment |
| Paragraph 52d(6)(c) | Omit “the last preceding section”, substitute “section 52c”. |
| Sub-section 52d(7) | Omit “the last preceding section”, substitute “section 52c”. |
| Sub-section 52d(8) | Omit “of this Act”. |
| Sub-section 52d(9) | Omit “the last preceding sub-section”, substitute “sub-section (8)”. |
| Sub-section 52d(10) | Omit “the last preceding section”, substitute “section 52c”. |
| Section 52e | Omit “of this Act” (last occurring). |
| Section 53 | Omit “the next succeeding section”, substitute “section 54”. |
| Sub-section 54(1a) | Omit “of this Act” (wherever occurring). |
| Sub-section 54(1b) | Omit “twenty-one”, substitute “21”. |
| Sub-section 54(4) | Omit “three”, substitute “3”. |
| Paragraph 54a(1)(a) | Omit “three”, substitute “3”. |
| Sub-section 54c(2) | Omit “The last preceding sub-section”, substitute “Sub-section (1)”. |
| Sub-section 55(2) | Omit “the last preceding sub-section”, substitute “sub-section (1)”. |
| Sub-section 57(2) | Omit “the last preceding sub-section”, substitute “sub-section (1)”. |
| Sub-section 59(1) | Omit “three” (wherever occurring), substitute “3”. |
| Sub-section 59(2) | Omit “the last preceding sub-section”, substitute “sub-section (1)”. |
| Sub-section 59(2a) | (a) Omit “three”, substitute “3”.  (b) Omit “the last preceding paragraph”, substitute “paragraph (a)”. |
| Sub-section 60(1) | Omit “the last preceding section”, substitute “section 59”. |
| Sub-section 60(2) | Omit “the last preceding section”, substitute “section 59”. |
| Sub-section 60(4) | Omit “the last preceding section”, substitute “section 59”. |
| Paragraph 63(1)(c) | Omit “two”, substitute “2”. |
| Paragraph 63(1)(d) | Omit “the next succeeding section”, substitute “section 64”. |
| Sub-section 65(3) | Omit “the last preceding sub-section”, substitute “sub-section (2)”. |
| Sub-section 66(2) | Omit “the last preceding sub-section”, substitute “sub-section (1)”. |
| Sub-section 67(3) | Omit “two”, substitute “2”. |
| Sub-section 68(1) | Omit “sixteen”, substitute “16”. |
| Sub-section 68(2) | Omit “the next succeeding sub-section”, substitute “sub-section (3)”. |
| Sub-section 73(1) | Omit “the last preceding section “, substitute “section 72”. |
| Sub-section 78(3) | Omit “The last two preceding sub-sections”, substitute “Sub-sections (1) and (2)”. |
| Sub-section 81(2) | Omit “the last preceding sub-section”, substitute “sub-section (1)”. |
| Section 82 | Omit “three” (wherever occurring), substitute “3”. |
| Section 84 | Omit “the last preceding section”, substitute “section 83”. |
| Sub-section 86(2) | Omit “the last preceding sub-section”, substitute “sub-section (1)”. |
| Sub-section 86(4) | Omit “fourteen”, substitute “14”. |
| Sub-section 94(1) | (a) Omit “five” (wherever occurring), substitute “5”.  (b) Omit “ten” (wherever occurring), substitute “10”. |
| Sub-section 95(3) | Omit “the last preceding sub-section”, substitute “sub-section (2)”. |
| Sub-section 100(2) | Omit “the last preceding sub-section”, substitute “sub-section (1)”. |
| Section 104 | Omit “the last preceding section”, substitute “section 103”. |
| Sub-section 108(1) | Omit “three”, substitute “3”. |
| Sub-section 108(3) | Omit “the last preceding sub-section”, substitute “sub-section (2)”. |
| Sub-section 108(3a) | Omit “the last preceding sub-section”, substitute “sub-section (3)”. |
| Sub-section 109(1) | Omit “two” substitute “2”. |
| Sub-section 109(3) | Omit “the last preceding sub-section”, substitute “sub-section (2)”. |
| Sub-section 110(1) | Omit “the last two preceding sections”, substitute “sections 108 and 109”. |

SCHEDULE—continued

|  |  |
| --- | --- |
| Provision | Amendment |
| Sub-section 110(2) | Omit “the last preceding sub-section”, substitute “sub-section (1)”. |
| Sub-section 112(2) | (a) Omit “The last preceding sub-section”, substitute “Sub-section (1)”.  (b) Omit “three”, substitute “3”. |
| Sub-section 112(3) | Omit “the last preceding sub-section”, substitute “sub-section (2)”. |
| Sub-section 112(4) | Omit “three”, substitute “3”. |
| Sub-section 119(2) | Omit “the last preceding sub-section”, substitute “sub-section (1)”. |
| Sub-section 120(2) | Omit “the last preceding sub-section”, substitute “sub-section (1)”. |
| Sub-section 122(1) | Omit “the last preceding section”, substitute “section 121”. |
| Sub-section 125(2) | Omit “the last preceding sub-section”, substitute “sub-section (1)”. |
| Sub-section 125(7) | Omit “of this section”. |
| Sub-section 126(1) | Omit “the last preceding section”, substitute “section 125”. |
| Sub-section 126(2) | Omit “the last preceding sub-section”, substitute “sub-section (1)”. |
| Section 127 | Omit “the last two preceding sections”, substitute “sections 125 and 126”. |
| Sub-section 131(2) | (a) Omit “the last preceding sub-section”, substitute “sub-section (1)”.  (b) Omit “Five hundred dollars”, substitute “$500”.  (c) Omit “Ten thousand dollars”, substitute “$10,000”.  (d) Omit “two”, substitute “2”. |
| Paragraph 133(3)(b) | Omit “twenty-one”, substitute “21”. |
| Sub-section 136(2) | (a) Omit “of this Act” (first occurring).  (b) Omit “the first day of January, One thousand nine hundred and fifty-two”, substitute “1 January 1952”. |
| Sub-section 136(4) | Omit “the last preceding sub-section”, substitute “sub-section (3)”. |
| Section 137 | (a) Omit “of this Act “(first occurring).  (b) Omit “the first day of January, One thousand nine hundred and fifty-two”, substitute “1 January 1952”.  (c) Omit “the last preceding paragraph”, substitute “paragraph (a)”. |
| Section 138 | (a) Omit “of this Act “(first occurring).  (b) Omit “three” (wherever occurring), substitute “3”. |
| Section 139 | Omit “One hundred dollars”, substitute “$100”. |
| Sub-section 140(3) | Omit “two”, substitute “2”. |
| Sub-section 141(1) | Omit “two”, substitute “2”. |
| Sub-section 141(2) | (a) Omit “two”, substitute “2”.  (b) Omit “the last preceding sub-section”, substitute “sub-section (1)”. |
| Sub-section 142(1) | (a) Omit “two” (wherever occurring), substitute “2”.  (b) Omit “the last preceding section”, substitute “section 141”. |
| Section 142aa | (a) Omit “either of the last two preceding sections”, substitute “section 141 or 142”.  (b) Omit “purposes of the last two preceding sections”, substitute “purposes of sections 141 and 142”. |
| Paragraph 143(3)(b) | Omit “three”, substitute “3”. |
| Sub-section 153(1) | Omit “two”, substitute “2”. |
| Sub-section 153(2) | (a) Omit “the next succeeding section”, substitute “section 154”.  (b) Omit “two”, substitute “2”. |
| Sub-section 153(3) | (a) Omit “the next succeeding section”, substitute “section 154”.  (b) Omit “two”, substitute “2”. |
| Sub-section 153(4) | Omit “two”, substitute “2”. |
| Sub-section 154(1) | (a) Omit “two “, substitute “2”.  (b) Omit “the last preceding section”, substitute “section 153”. |

SCHEDULE—continued

|  |  |
| --- | --- |
| Provision | Amendment |
| Sub-section 154(2) | (a) Omit “fourteen”, substitute” 14”.  (b) Omit “the last preceding sub-section”, substitute “sub-section (1)”. |
| Sub-section 155(2) | Omit “the last preceding sub-section”, substitute “sub-section (1)”. |
| Section 157 | Omit “two”, substitute “2”. |
| Paragraph 158(1)(a) | (a) Omit “fifty” (wherever occurring), substitute “50”.  (b) Omit “either of the last two preceding sub-paragraphs”, substitute “sub-paragraph (i) or (ii)”. |
| Paragraph 158(1)(h) | Omit “the last preceding sub-paragraph”, substitute “sub-paragraph (i)”. |
| Paragraph 158(1)(i) | Omit “the last preceding sub-paragraph”, substitute “sub-paragraph (i)”. |
| Paragraph 158(1)(j) | Omit “the last preceding paragraph”, substitute “paragraph (i)” |
| Sub-section 158(2) | Omit “the last preceding sub-section”, substitute “sub-section (1)”. |
| Sub-section 159a(2) | Omit “the last preceding sub-section”, substitute “sub-section (1)”. |
| Sub-section 159a(4) | Omit “the last preceding sub-section”, substitute “sub-section (3)”. |
| Sub-section 159a(5) | Omit “of this Act”. |
| Sub-section 159a(6) | Omit “of this Act”. |
| Sub-section 159b(1) | Omit “the last preceding section”, substitute “section 159a”. |
| Sub-section 159c(2) | (a) Omit “the last preceding sub-section”, substitute “sub-section (1)”.  (b) Omit” of this Act”. |
| Sub-section 160(3) | Omit “either of the last two preceding sub-sections”, substitute “sub-section (1) or (2)”. |
| Sub-section 160(4) | Omit “three”, substitute “3”. |
| Sub-section 162(2) | Omit “The last preceding sub-section”, substitute “Sub-section (1)”. |
| Section 173 | (a) Omit “the last preceding sub-section”, substitute “sub-section (1)”.  (b) Omit “Forty dollars” (wherever occurring), substitute “$40”. |
| Sub-section 176(3) | Omit “seven”, substitute “7”. |
| Paragraph 177(b) | Omit “twenty-five”, substitute “25”. |
| Paragraph 177(c) | Omit “One hundred dollars”, substitute “$100”. |
| THE SCHEDULE | (a) Omit “FIRST COLUMN”, substitute “COLUMN 1”.  (b) Omit “SECOND COLUMN “, substitute “COLUMN 2”. |