



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART I

COPYRIGHT

CHAPTER III

ACTS PERMITTED IN RELATION TO COPYRIGHT WORKS

Public administration

45 Parliamentary and judicial proceedings.

- (1) Copyright is not infringed by anything done for the purposes of parliamentary or judicial proceedings.
- (2) Copyright is not infringed by anything done for the purposes of reporting such proceedings; but this shall not be construed as authorising the copying of a work which is itself a published report of the proceedings.

46 Royal Commissions and statutory inquiries.

- (1) Copyright is not infringed by anything done for the purposes of the proceedings of a Royal Commission or statutory inquiry.
- (2) Copyright is not infringed by anything done for the purpose of reporting any such proceedings held in public; but this shall not be construed as authorising the copying of a work which is itself a published report of the proceedings.
- (3) Copyright in a work is not infringed by the issue to the public of copies of the report of a Royal Commission or statutory inquiry containing the work or material from it.
- (4) In this section—

Status: Point in time view as at 09/12/2001.

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Cross Heading: Public administration. (See end of Document for details)

“Royal Commission” includes a Commission appointed for Northern Ireland by the Secretary of State in pursuance of the prerogative powers of Her Majesty delegated to him under section 7(2) of the ^{M1}Northern Ireland Constitution Act 1973; and

“statutory inquiry” means an inquiry held or investigation conducted in pursuance of a duty imposed or power conferred by or under an enactment.

Marginal Citations

M1 1973 c. 36.

47 Material open to public inspection or on official register.

- (1) Where material is open to public inspection pursuant to a statutory requirement, or is on a statutory register, any copyright in the material as a literary work is not infringed by the copying of so much of the material as contains factual information of any description, by or with the authority of the appropriate person, for a purpose which does not involve the issuing of copies to the public.
- (2) Where material is open to public inspection pursuant to a statutory requirement, copyright is not infringed by the copying or issuing to the public of copies of the material, by or with the authority of the appropriate person, for the purpose of enabling the material to be inspected at a more convenient time or place or otherwise facilitating the exercise of any right for the purpose of which the requirement is imposed.
- (3) Where material which is open to public inspection pursuant to a statutory requirement, or which is on a statutory register, contains information about matters of general scientific, technical, commercial or economic interest, copyright is not infringed by the copying or issuing to the public of copies of the material, by or with the authority of the appropriate person, for the purpose of disseminating that information.
- (4) The Secretary of State may by order provide that subsection (1), (2) or (3) shall, in such cases as may be specified in the order, apply only to copies marked in such manner as may be so specified.
- (5) The Secretary of State may by order provide that subsections (1) to (3) apply, to such extent and with such modifications as may be specified in the order—
 - (a) to material made open to public inspection by—
 - (i) an international organisation specified in the order, or
 - (ii) a person so specified who has functions in the United Kingdom under an international agreement to which the United Kingdom is party, or
 - (b) to a register maintained by an international organisation specified in the order, as they apply in relation to material open to public inspection pursuant to a statutory requirement or to a statutory register.
- (6) In this section—

“appropriate person” means the person required to make the material open to public inspection or, as the case may be, the person maintaining the register;

“statutory register” means a register maintained in pursuance of a statutory requirement; and

“statutory requirement” means a requirement imposed by provision made by or under an enactment.

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- (7) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Modifications etc. (not altering text)

- C1** S. 47(1) extended with modifications by [S.I. 1989/1098](#), [art. 2](#)
C2 S. 47(2) modified by [S.I. 1990/1427](#), [art. 2](#)
C3 S. 47(2)(3) extended with modifications by [S.I. 1989/1098](#), [art. 2](#)
C4 S. 47(2)(3) modified by [S.I. 1989/1099](#), [art. 2](#)
C5 S. 47(6) modified (1.3.2010) by [The Scottish Register of Tartans Act 2008 \(Consequential Modifications\) Order 2010 \(S.I. 2010/180\)](#), [art. 2\(2\)](#) (with [art. 2\(4\)](#))

48 Material communicated to the Crown in the course of public business.

- (1) This section applies where a literary, dramatic, musical or artistic work has in the course of public business been communicated to the Crown for any purpose, by or with the licence of the copyright owner and a document or other material thing recording or embodying the work is owned by or in the custody or control of the Crown.
- (2) The Crown may, for the purpose for which the work was communicated to it, or any related purpose which could reasonably have been anticipated by the copyright owner, copy the work and issue copies of the work to the public without infringing any copyright in the work.
- (3) The Crown may not copy a work, or issue copies of a work to the public, by virtue of this section if the work has previously been published otherwise than by virtue of this section.
- (4) In subsection (1) “public business” includes any activity carried on by the Crown.
- (5) This section has effect subject to any agreement to the contrary between the Crown and the copyright owner.
- [^{F1}(6) In this section “the Crown” includes a health service body, as defined in section 60(7) of the National Health Service and Community Care Act 1990, [^{F2}a Primary Care Trust established under section 16A of the National Health Service Act 1977,][^{F3}the Commission for Health Improvement] and a National Health Service trust established under Part I of that Act or the National Health Service (Scotland) Act 1978 [^{F4}and also includes a health and social services body, as defined in Article 7(6) of the Health and Personal Social Services (Northern Ireland) Order 1991, and a Health and Social Services trust established under that Order], and the reference in subsection (1) above to public business shall be construed accordingly.]

Textual Amendments

- F1** S. 48(6) added by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 60(2), [Sch. 8 para. 3](#)
F2 Words in s. 48(6) inserted (8.2.2000) by [S.I. 2000/90](#), art. 3(1), [Sch. 1 para. 22](#)
F3 Words in s. 48(6) inserted (E.W.) (1.11.1999) by [S.I. 1999/2795](#), [art. 3](#)
F4 Words in s. 48(6) inserted (1.4.1992) by [S.I. 1991/194](#), art. 7(2), [Sch. 2 Pt. I para. 3](#); [S.R. 1991/131](#), art. 2(e), [Sch. Pt. III](#)

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49 Public records.

Material which is comprised in public records within the meaning of the ^{M2}Public Records Act 1958, the ^{M3}Public Records (Scotland) Act 1937 or the ^{M4}Public Records Act (Northern Ireland) 1923 [^{F5}, or in Welsh public records (as defined in the Government of Wales Act 1998),] which are open to public inspection in pursuance of that Act, may be copied, and a copy may be supplied to any person, by or with the authority of any officer appointed under that Act, without infringement of copyright.

Textual Amendments

F5 Words in s. 49 inserted (1.4.1999) by 1998 c. 38, s. 125, **Sch. 12 para. 27** (with ss. 139(2), 143(2)); S.I. 1999/782, **art. 2**

Marginal Citations

M2 1958 c. 51.
M3 1937 c. 43.
M4 1923 c. 20 (N.I.).

50 Acts done under statutory authority.

- (1) Where the doing of a particular act is specifically authorised by an Act of Parliament, whenever passed, then, unless the Act provides otherwise, the doing of that act does not infringe copyright.
- (2) Subsection (1) applies in relation to an enactment contained in Northern Ireland legislation as it applies in relation to an Act of Parliament.
- (3) Nothing in this section shall be construed as excluding any defence of statutory authority otherwise available under or by virtue of any enactment.

Modifications etc. (not altering text)

- C6** S. 50 applied by Freedom of Information Act 2000 (c. 36), s. 80(3) (as added (1.1.2005) by The Freedom of Information (Scotland) Act 2002 (Consequential Modifications) Order 2004 (S.I. 2004/3089), **art. 3(2)**)
- C7** S. 50(1) modified (1.3.2010) by The Scottish Register of Tartans Act 2008 (Consequential Modifications) Order 2010 (S.I. 2010/180), **art. 2(3)** (with art. 2(4))

Status:

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Changes to legislation:

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