



# 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—

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“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 <sup>M1</sup>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.
- [<sup>F1</sup>(2) Where material is open to public inspection pursuant to a statutory requirement, copyright in the material is not infringed by an act to which subsection (3A) applies provided that—
- (a) the act is done by or with the authority of the appropriate person,
  - (b) the purpose of the act is—
    - (i) to enable the material to be inspected at a more convenient time or place, or
    - (ii) to otherwise facilitate the exercise of any right for the purpose of which the statutory requirement is imposed, and
  - (c) in the case of the act specified in subsection (3A)(c), the material is not commercially available to the public by or with the authority of the copyright owner.
- (3) Where material which contains information about matters of general scientific, technical, commercial or economic interest is on a statutory register or is open to public inspection pursuant to a statutory requirement, copyright in the material is not infringed by an act to which subsection (3A) applies provided that—
- (a) the act is done by or with the authority of the appropriate person,
  - (b) the purpose of the act is to disseminate that information, and
  - (c) in the case of the act specified in subsection (3A)(c), the material is not commercially available to the public by or with the authority of the copyright owner.
- (3A) This subsection applies to any of the following acts—
- (a) copying the material,
  - (b) issuing copies of the material to the public, and
  - (c) making the material (or a copy of it) available to the public by electronic transmission in such a way that members of the public may access it from a place and at a time individually chosen by them.]

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- (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.
- (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.

#### Textual Amendments

- F1** S. 47(2)-(3A) substituted for s. 47(2)(3) (1.6.2014) by [The Copyright \(Public Administration\) Regulations 2014 \(S.I. 2014/1385\)](#), regs. 1, **2(1)**

#### Modifications etc. (not altering text)

- C1** S. 47(1) extended with modifications by [S.I. 1989/1098](#), **art. 2**
- C2** 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))
- C3** S. 47(6) modified (26.2.2015) by [The Regulatory Reform \(Scotland\) Act 2014 \(Consequential Modifications\) Order 2015 \(S.I. 2015/374\)](#), arts. 1(1), **3(3)** (with art. 3(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.
- [<sup>F2</sup>(2) The Crown may, without infringing copyright in the work, do an act specified in subsection (3) provided that—
- (a) the act is done for the purpose for which the work was communicated to the Crown, or any related purpose which could reasonably have been anticipated by the copyright owner, and
- (b) the work has not been previously published otherwise than by virtue of this section.]

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- [<sup>F2</sup>(3) The acts referred to in subsection (2) are—
- (a) copying the work,
  - (b) issuing copies of the work to the public, and
  - (c) making the work (or a copy of it) available to the public by electronic transmission in such a way that members of the public may access it from a place and at a time individually chosen by them.]
- (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.
- [<sup>F3</sup>( 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,[<sup>F4</sup>the National Health Service Commissioning Board, a clinical commissioning group established under section 14D of the National Health Service Act 2006,]<sup>F5</sup>... , the Care Quality Commission [<sup>F6</sup>, the Health Research Authority] and a National Health Service trust established under [<sup>F7</sup> section 25 of the National Health Service Act 2006, section 18 of the National Health Service (Wales) Act 2006 ] or the National Health Service (Scotland) Act 1978 [<sup>F8</sup> and an NHS foundation trust ]<sup>F9</sup> 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

- F2** S. 48(2)(3) substituted (1.6.2014) by [The Copyright \(Public Administration\) Regulations 2014 \(S.I. 2014/1385\)](#), regs. 1, **2(2)**
- F3** 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**
- F4** Words in s. 48(6) inserted (1.10.2012) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 5 para. 44(a)**; S.I. 2012/1831, art. 2(2)
- F5** Words in s. 48(6) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 5 para. 44(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F6** Words in s. 48(6) inserted (1.1.2015) by [Care Act 2014 \(c. 23\)](#), s. 127(1), **Sch. 7 para. 25**; S.I. 2014/2473, art. 5(m)
- F7** Words in s. 48(6) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 2, 8, **Sch. 1 para. 112(b)** (with s. 5, Sch. 3 Pt. 1)
- F8** Words in s. 48(6) inserted (1.4.2004) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. 34, 199(1), **Sch. 4 para. 72**; S.I. 2004/759, art. 2
- F9** 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**

#### Modifications etc. (not altering text)

- C4** S. 48: functions made exercisable by Local Health Boards (E.W.) (1.10.2009) by [The Local Health Boards \(Directed Functions\) \(Wales\) Regulations 2009 \(S.I. 2009/1511\)](#), reg. 4, **Sch.** (subject to reg. 5)
- C5** S. 48(6) modified (temp. from 1.10.2008) by [The Health and Social Care Act 2008 \(Consequential Amendments and Transitory Provisions\) Order 2008 \(S.I. 2008/2250\)](#), art. **3(3)**

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## 49 Public records.

Material which is comprised in public records within the meaning of the <sup>M2</sup>Public Records Act 1958, the <sup>M3</sup>Public Records (Scotland) Act 1937 or the <sup>M4</sup>Public Records Act (Northern Ireland) 1923 [<sup>F10</sup>, or in Welsh public records (as defined in the [<sup>F11</sup>the Government of Wales Act 2006]),] 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

- F10** 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**
- F11** Words in s. 49 substituted by **Government of Wales Act 2006 (c. 32), s. 160(1), Sch. 10 para. 24** (with **Sch. 11 para. 22**), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act.

### 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))
- C8** S. 50(1) modified (26.2.2015) by **The Regulatory Reform (Scotland) Act 2014 (Consequential Modifications) Order 2015 (S.I. 2015/374), arts. 1(1), 3(3)** (with art. 3(4))

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