

SCHEDULE 1

PART II

Modifications to the provisions extended

Particular Modifications

3. The provisions mentioned in the first column in the following table shall be modified in the manner specified in the second column.

<i>Provision</i>	<i>Modification</i>
Section 8	<p>In subsections (2) and (4), for references to farthings there shall be substituted references to cents;</p> <p>for subsection (3) there shall be substituted the following:—</p> <p>“(3) If at any time the Board of Trade by order made under this section in its operation in the law of the United Kingdom prescribe either generally or in relation to any one or more classes of records any different rate of, or minimum amount of, royalty the provisions of this section shall be construed subject to the provisions of any such order as is for the time being in force, provided that any reference in such an order to any sum of money shall be construed as a reference to the equivalent amount in the currency of legal tender in Montserrat as provided by any law of Montserrat.”;</p> <p>in subsection (4)(a), all the words after the first reference to works shall be omitted.</p>
Section 10	<p>For subsection (5) there shall be substituted the following:—</p> <p>“(5) For the purposes of this section a design shall be taken as being applied industrially if it is applied in the circumstances for the time being prescribed by rules made by the Board of Trade under this section and section 36 of the Registered Designs Act 1949 as extended by this section in the law of the United Kingdom.”.</p>
Section 13	<p>For subsection (3) there shall be substituted the following:—</p> <p>“(3) Copyright subsisting in a cinematograph film by virtue of this section shall continue to subsist until the film is published and thereafter until the end of the period of fifty years from the end of the calendar year which includes the date of its first publication and shall then expire, or, if copyright subsists in the film by virtue only of the last preceding subsection, it shall continue to subsist as from the date of first publication until the end of the period of fifty years from the end of the calendar year which includes that date and shall then expire.”;</p> <p>in subsection (8), for “any such film as is mentioned in paragraph (a) of subsection (1) of section 38 of the Films Act 1960 (which relates to newsreels)” there shall be substituted “any film consisting wholly or mainly of photographs which, at the time they were taken, were means of communicating news”;</p>

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<i>Provision</i>	<i>Modification</i>
Section 17	<p>subsection (11) shall be omitted.</p> <p>There shall be inserted, after subsection (4), the following subsection:—</p> <p>“(4A) No action in respect of an infringement of copyright shall be commenced after the expiration of a period of six years from the date at which the right of action accrued.”;</p>
Section 18	<p>subsection (6) shall be omitted.</p> <p>In subsection (1), for the proviso there shall be substituted the following:—</p> <p>“Provided that where a cause of action in respect of the conversion or detention by any person of any such copy or plate has accrued under this subsection to the owner of the copyright, and notwithstanding that before he recovers possession of such copy or plate, a further conversion or detention takes place, the owner of the copyright shall not be entitled to any rights or remedies under this subsection in respect of anything done in relation to that copy or plate after the expiration of six years from the accrual of the cause of action in respect of the original conversion or detention.”;</p>
Section 21	<p>subsection (4) shall be omitted.</p> <p>In subsections (7) and (8), for the words “forty shillings” and “fifty pounds” there shall be substituted respectively “ten dollars” and “two hundred and fifty dollars”;</p> <p>after subsection (8), there shall be inserted the following subsection:—</p> <p>“(8A) A person charged with an offence under this section may be tried summarily by the Magistrate in accordance with the provisions of the Magistrate's Code Procedure Act (Cap. 61) in the law of Montserrat.”;</p> <p>for subsection (10) there shall be substituted the following:—</p> <p>“(10) An appeal shall lie to the Court of Appeal of the Windward Islands and Leeward Islands from any order made under the last preceding subsection.”.</p>
Section 22	<p>In subsection (1), for “the Commissioners of Customs and Excise (in this section referred to as “the Commissioners”)” there shall be substituted “the Treasurer” and, subject to the modification to subsection (4) hereinafter mentioned, for subsequent references to the said Commissioners there shall be substituted references to the said Treasurer; in subsection (4), for “the Commissioners”, where the words first occur, there shall be substituted “the Administrator in Council”, and for “the Commissioners consider” there shall be substituted “the Administrator in Council considers”;</p> <p>for subsection (6) there shall be substituted the following:—</p> <p>“(6) Any fees paid in pursuance of regulations made under this section shall be treated as monies collected on account of the general revenue.”</p>

<i>Provision</i>	<i>Modification</i>
	subsection (7) shall be omitted.
Section 31	Subsections (1) and (2) shall be omitted;
	in subsection (4), for “the United Kingdom” there shall be substituted “Montserrat” and for “in a country” there shall be substituted “in the United Kingdom or in any country other than Montserrat”.
Section 33	For subsection (1) there shall be substituted the following:— “(1) An organisation to which this section applies is one declared to be such by an Order in Council made under this section as part of the law of the United Kingdom which has been extended, in relation to that organisation, to Montserrat.”.
Section 37	Subsection (4) shall be omitted.
Section 39	Subsection (8) shall be omitted.
Section 40	Subsection (3) shall be omitted;
	in subsection (4), for “either of the two last preceding subsections” there shall be substituted “the last preceding subsection” and “or the programme to be transmitted, as the case may be” shall be omitted;
	in subsection (5), the reference to a work shall be omitted.
Section 41	In subsection (7), for the definition of “school” there shall be substituted ““school” has the different meanings assigned to it in the Education Ordinance 1956 (No. 11 of 1956) in the Law of Montserrat;”.
Section 46	Subsection (1) shall be omitted;
	in subsection (2), “(including any enactment of the Parliament of Northern Ireland)” shall be omitted.
Section 47	The whole section except subsection (4) shall be omitted;
	in subsection (4), “or rules” shall be omitted.
Section 50	For subsection (2) there shall be substituted the following:— “(2) Subject to the said transitional provisions the Copyright Act 1911 and the Copyright Order Confirmation (Mechanical Instruments: Royalties) Act 1928 are hereby repealed.”.
Section 51	For subsection (2) there shall be substituted the following:— “(2) —(a) Any provision of this Act empowering the Administrator in Council to make regulations shall come into operation on the commencement of the Order in Council extending that provision to Montserrat. (b) All the other provisions of this Act shall come into operation on 5th March 1966”
	subsection (3) shall be omitted.
Schedule 1	In paragraph 2, for “section 7 of the Act of 1949” there shall be substituted “section 17 of the Trade Marks Act (cap. 150) or section 6

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<i>Provision</i>	<i>Modification</i>
Schedule 7	of the Registration of United Kingdom Trade Marks Act 1946 (No. 4 of 1946) in the law of Montserrat". Paragraphs 25, 26, 40 and 41 shall be omitted.