
STATUTORY INSTRUMENTS

1984 No. 541

COPYRIGHT

The Copyright (British Indian Ocean Territory) Order 1984

<i>Made</i>	- - - -	<i>11th April 1984</i>
<i>Laid before Parliament</i>		<i>19th April 1984</i>
<i>Coming into Operation</i>		<i>14th May 1984</i>

At the Court at Windsor Castle, the 11th day of April 1984

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by and with the advice of Her Privy Council, and by virtue of the authority conferred upon Her by section 31 of the Copyright Act 1956 and of all other powers enabling Her in that behalf, is pleased to order, and it is hereby ordered, as follows:

1. This Order may be cited as the Copyright (British Indian Ocean Territory) Order 1984 and shall come into operation on 14th May 1984.
2. In this Order “the Territory” means the British Indian Ocean Territory.
3. The provisions of the Copyright Act 1956 specified in Part I of the Schedule hereto shall extend to the Territory subject to the modifications, specified in Part II of that Schedule.
4. The Copyright (International Organisations) Order 1957, as amended⁽¹⁾ and the Copyright (Broadcasting Organisations) Order 1961 (being Orders in Council made under Part V of the said Act) shall extend to the Territory.

N.E. Leigh
Clerk of the Privy Council

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SCHEDULE

Article 3

PART I

PROVISIONS OF THE COPYRIGHT ACT 1956 EXTENDED TO THE BRITISH INDIAN OCEAN TERRITORY

All the provisions of the Act, as amended by the Performers' Protection Acts 1958 and 1963 the Films Act 1960, the Design Copyright Act 1968, the Statute Law (Repeals) Act 1974, the Criminal Law Act 1977, the Broadcasting Act 1981, the British Nationality (Modification of Enactments) Order 1982, the Copyright Act 1956 (Amendment) Act 1982, the Criminal Justice Act 1982 and the Copyright (Amendment) Act 1983, except sections 23 to 30, 32, 34, 35, 42 and 44 and Schedules 4 and 5, shall extend to the Territory.

PART II

MODIFICATIONS OF THE PROVISIONS EXTENDED

General Modifications

1. In sections 7, 8(11) and 15(4), for references to the Board of Trade there shall be substituted references to the Commissioner.
2. In sections 8(1) and 8(10), 10(2) and (3), 12(6), 21(1) and 21(6), 22(2) and 22(3), 31(4), 43, 48(4) and 49(2) and paragraph 46 of Schedule 7, for “the United Kingdom” there shall be substituted “the Territory”.

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 “three farthings” there shall be substituted “one penny” and in subsection (2), for “farthing” there shall be substituted “penny”.</p> <p>For subsection (3) there shall be substituted the following:</p> <p>“(3) If at any time by an order made under this section in its operation in the law of the United Kingdom any different rate of, or minimum amount of, royalty is prescribed either generally or in relation to any one or more classes of records, the provisions of this section shall be construed subject to the provisions of any such order as is for the time being in force.”.</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 purpose 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 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>

<i>Provision</i>	<i>Modification</i>
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> <p>Subsection (11) shall be omitted.</p>
Section 17	<p>Subsection (6) shall be omitted.</p>
Section 18	<p>In subsection (1), in the proviso, “, or of any corresponding provision which may be enacted by the Parliament of Northern Ireland” shall be omitted.</p> <p>Subsection (4) shall be omitted.</p>
Section 21	<p>In subsections (7C) and (7D), all the words after “Criminal Justice Act 1982” shall be omitted.</p> <p>Subsection (10) shall be omitted.</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 Commissioner” and, subject to the modifications to subsection (4) hereinafter provided, for subsequent references to the said Commissioners there shall be substituted references to the Commissioner.</p> <p>In subsection (4), for “the Commissioners” where those words first occur there shall be substituted “the Commissioner” and for “the Commissioners consider” there shall be substituted “the Commissioner considers”.</p> <p>In subsection (5), for “the Commissioners” shall be substituted “the Commissioner”.</p> <p>Subsection (6) shall be omitted.</p> <p>For subsection (7) there shall be substituted the following:</p> <p>“(7) Where by virtue of this section the importation into the Territory of any copy of a work to which the section applies is prohibited, the importation into the Territory of such a copy shall, for the purposes only of provisions as to the forfeiture of goods in any law relating to imports be deemed to be a contravention of that law.”.</p>
Section 31	<p>Subsections (1) and (2) shall be omitted.</p>

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<i>Provision</i>	<i>Modification</i>
	In subsection (4), for “in a country” there shall be substituted “in the United Kingdom or in any country other than the Territory”.
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 the Territory.”.
Section 37	Subsection (4) shall be omitted.
Section 39	In subsection (8), for “ section three of the Crown Proceedings Act, 1947” there shall be substituted “section 5 of the Crown Proceedings Ordinance, 1984”.
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	Subsection (7) shall be omitted.
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 51	For subsection (2) there shall be substituted the following: (a) “(2) Any provision of this Act empowering the Commissioner to make regulations shall come into operation on the commencement of the Order in Council extending that provision to the Territory. (b) All the other provisions of this Act shall come into operation on 14th September 1984.”. Subsection (3) shall be omitted.
Seventh Schedule	Paragraphs 25, 26, 40 and 41 shall be omitted.

EXPLANATORY NOTE

This Order extends the provisions of the Copyright Act 1956 with certain exceptions and modifications to form part of the law of the British Indian Ocean Territory.

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The Order also extends two Orders in Council made under Part V of that Act. The extension of these Orders will give protection in the Territory to works produced by certain international organisations and to lawfully authorised broadcasts originating in other Commonwealth countries to which the 1956 Act has already been extended. Broadcasts by organisations in the Territory will also have protection in the Territory and in those countries by virtue of this Order.

The copyright protection given by the law of the Territory will be similar to that given by the law of the United Kingdom.