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STATUTORY INSTRUMENTS

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**2007 No. 1116**

**The Parliamentary Copyright (National Assembly for Wales) Order 2007**

**Modification of section 165 of the Copyright, Designs and Patents Act 1988**

2.—(1) This article modifies the effect of section 165 of the Copyright, Designs and Patents Act 1988 (parliamentary copyright) in its application to works made by or under the direction or control of the National Assembly for Wales.

(2) The section has effect as if for subsection (1) there were substituted—

“(1) Where a work is made by or under the direction or control of the National Assembly for Wales—

- (a) the work qualifies for copyright protection notwithstanding section 153(1) (ordinary requirement as to qualification for copyright protection), and
- (b) the National Assembly for Wales Commission<sup>(1)</sup> is the first owner of any copyright in the work.”

(3) The section has effect as if for subsection (4) there were substituted<sup>(2)</sup>—

“(4) For the purposes of this section, works made by or under the direction or control of the National Assembly for Wales include—

- (a) any work made by a relevant person in the course of his duties, and
- (b) any sound recording, film or live broadcast of the proceedings of the Assembly (including proceedings of a committee or sub-committee of the Assembly),

but a work shall not be regarded as made by or under the direction or control of the Assembly by reason only of its being commissioned by or on behalf of the Assembly.

(4A) The following are relevant persons for the purposes of subsection (4)—

- (a) the presiding officer of the National Assembly for Wales elected under section 25 of the Government of Wales Act 2006<sup>(3)</sup>,
- (b) the deputy presiding officer of the Assembly elected under that section,
- (c) the members of the Assembly Commission appointed under the standing orders of the Assembly by virtue of section 27(3) of that Act, and
- (d) the members of the staff of the Assembly, within the meaning of that Act (see paragraph 3(2) of Schedule 2 to that Act).”

(4) The section has effect as if in subsection (5) for “the House of Commons or the House of Lords” there were substituted “the National Assembly for Wales”.

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(1) See section 27 and Schedule 2 to the Government of Wales Act 2006.

(2) Subsection (4) was amended by the Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), Schedule 1, paragraphs 1 and 11(b).

(3) 2006 c.32.