



Copyright, Designs and Patents Act 1988

CHAPTER 48

COPYRIGHT, DESIGNS AND PATENTS ACT 1988

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COPYRIGHT

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- 35 Every work in which copyright subsisted under the 1956 Act...

Dependent territories

- 36 (1) The 1911 Act shall remain in force as part...
- 37 (1) This paragraph applies to a country which immediately before...

Territorial waters and the continental shelf

- 38 Section 161 of this Act (application of Part I to...

British ships, aircraft and hovercraft

- 39 Section 162 (British ships, aircraft and hovercraft) does not apply...

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Copyright, Designs and Patents Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Crown copyright

- 40 (1) Section 163 of this Act (general provisions as to...
41 (1) The following provisions have effect with respect to the...
42 (1) Section 164 (copyright in Acts and Measures) applies to...

Parliamentary copyright

- 43 (1) Section 165 of this Act (general provisions as to...

Copyright vesting in certain international organisations

- 44 (1) Any work in which immediately before commencement copyright subsisted...

Meaning of “publication”

- 45 Section 175(3) (construction of building treated as equivalent to publication)...

Meaning of “unauthorised”

- 46 For the purposes of the application of the definition in...

SCHEDULE 2 — Rights in performances: permitted acts

Introductory

- 1 (1) The provisions of this Schedule specify acts which may...

Making of temporary copies

- 1A The rights conferred by this Chapter are not infringed by...

Criticism, reviews and news reporting

- 2 (1) Fair dealing with a performance or recording for the...

Incidental inclusion of performance or recording

- 3 (1) The rights conferred by this Chapter are not infringed...

Things done for purposes of instruction or examination

- 4 (1) The rights conferred by this Chapter are not infringed...

Playing or showing sound recording, film, or broadcast at educational establishment

- 5 (1) The playing or showing of a sound recording, film...

Recording of broadcasts ... by educational establishments

- 6 (1) A recording of a broadcast ..., or a copy...

Lending of copies by educational establishments

- 6A (1) The rights conferred by this Chapter are not infringed...

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Lending of copies by libraries or archives

6B (1) The rights conferred by this Chapter are not infringed...

Copy of work required to be made as condition of export

7 (1) If an article of cultural or historical importance or...

Parliamentary and judicial proceedings

8 (1) The rights conferred by this Chapter are not infringed...

Royal Commissions and statutory inquiries

9 (1) The rights conferred by this Chapter are not infringed...

Public records

10 (1) Material which is comprised in public records within the...

Acts done under statutory authority

11 (1) Where the doing of a particular act is specifically...

Transfer of copies of works in electronic form

12 (1) This paragraph applies where a recording of a performance...

Use of recordings of spoken works in certain cases

13 (1) Where a recording of the reading or recitation of...

Recordings of folksongs

14 (1) A recording of a performance of a song may...

Lending of certain recordings

14A (1) The Secretary of State may by order provide that...

Playing of sound recordings for purposes of club, society, &c

15 (1) It is not an infringement of any right conferred...

Incidental recording for purposes of broadcast ...

16 (1) A person who proposes to broadcast a recording of...

Recordings for purposes of supervision and control of broadcasts and other services

17 (1) The rights conferred by this Chapter are not infringed...

Recording for the purposes of time-shifting

17A (1) The making in domestic premises for private and domestic...

Photographs of broadcasts

17B (1) The making in domestic premises for private and domestic...

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Free public showing or playing of broadcast ...

- 18 (1) The showing or playing in public of a broadcast...

Reception and re-transmission of wireless broadcast by cable

- 19 (1) This paragraph applies where a wireless broadcast made from...
19A (1) An application to settle the royalty or other sum...

Provision of sub-titled copies of broadcast ...

- 20 (1) A designated body may, for the purpose of providing...

Recording of broadcast ... for archival purposes

- 21 (1) A recording of a broadcast ... of a designated...

SCHEDULE 2A — LICENSING OF PERFORMERS' PROPERTY RIGHTS

Licensing schemes and licensing bodies

- 1 (1) In this Chapter a “licensing scheme” means a scheme...

References and applications with respect to licensing schemes

- 2 Paragraphs 3 to 8 (references and applications with respect to...

Reference of proposed licensing scheme to tribunal

- 3 (1) The terms of a licensing scheme proposed to be...

Reference of licensing scheme to tribunal

- 4 (1) If while a licensing scheme is in operation a...

Further reference of scheme to tribunal

- 5 (1) Where the Copyright Tribunal has on a previous reference...

Application for grant of licence in connection with licensing scheme

- 6 (1) A person who claims, in a case covered by...

Application for review of order as to entitlement to licence

- 7 (1) Where the Copyright Tribunal has made an order under...

Effect of order of tribunal as to licensing scheme

- 8 (1) A licensing scheme which has been confirmed or varied...

References and applications with respect to licensing by licensing bodies

- 9 Paragraphs 10 to 13 (references and applications with respect to...

Reference to tribunal of proposed licence

- 10 (1) The terms on which a licensing body proposes to...

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Copyright, Designs and Patents Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Reference to tribunal of expiring licence

- 11 (1) A licensee under a licence which is due to...

Application for review of order as to licence

- 12 (1) Where the Copyright Tribunal has made an order under...

Effect of order of tribunal as to licence

- 13 (1) Where the Copyright Tribunal has made an order under...

General considerations: unreasonable discrimination

- 14 (1) In determining what is reasonable on a reference or...

Application to settle royalty or other sum payable for lending

- 15 (1) An application to settle the royalty or other sum...

Certification of licensing schemes

- 16 (1) A person operating or proposing to operate a licensing...

Powers exercisable in consequence of competition report

- 17 (1) Sub-paragraph (1A) applies where whatever needs to be remedied,...

SCHEDULE 3 — Registered designs: minor and consequential amendments of 1949 Act

Section 3: proceedings for registration

- 1

Section 4: registration of same design in respect of other articles, etc.

- 2

Section 5: provisions for secrecy of certain designs

- 3 (1) Section 5 of the Registered Designs Act 1949 is...

Section 6: provisions as to confidential disclosure, etc.

- 4

Section 9: exemption of innocent infringer from liability for damages

- 5 In section 9 of the Registered Designs Act 1949 (exemption...

Section 11: cancellation of registration

- 6

Section 14: registration where application has been made in convention country

- 7 In section 14 of the Registered Designs Act 1949 (registration...

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Copyright, Designs and Patents Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Section 15: extension of time for application under s.14 in certain cases

8 In section 15(1) of the Registered Designs Act 1949 (power...

Section 16: protection of designs communicated under international agreements

9

Section 19: registration of assignments, &c.

10 In section 19 of the Registered Designs Act 1949 (registration...

Section 20: rectification of the register

11 In section 20 of the Registered Designs Act 1949 (rectification...

Section 22: inspection of registered designs

12 (1) Section 22 of the Registered Designs Act 1949 (inspection...

Section 23: information as to existence of right in registered design

13 For section 23 of the Registered Designs Act 1949 (information...

Section 25: certificate of contested validity of registration

14 In section 25 of the Registered Designs Act 1949 (certificate...

Section 26: remedy for groundless threats of infringement proceedings

15 (1) Section 26 of the Registered Designs Act 1949 (remedy...

Section 27: the court

16 For section 27 of the Registered Designs Act 1949 (the...

Section 28: the Appeal Tribunal

17 (1) Section 28 of the Registered Designs Act 1949 (the...

Section 29: exercise of discretionary powers of registrar

18 In section 29 of the Registered Designs Act 1949 (exercise...

Section 30: costs and security for costs

19 For section 30 of the Registered Designs Act 1949 (costs...

Section 31: evidence before registrar

20 For section 31 of the Registered Designs Act 1949 (evidence...

Section 32: power of registrar to refuse to deal with certain agents

21 Section 32 of the Registered Designs Act 1949 (power of...

Section 33: offences under s.5 (secrecy of certain designs)

22 (1) Section 33 of the Registered Designs Act 1949 (offences...

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Section 34: falsification of register, &c.

23 (1) In section 34 of the Registered Designs Act 1949...

Section 35: fine for falsely representing a design as registered

24 (1) Section 35 of the Registered Designs Act 1949 (fine...

Section 35A: offence by body corporate - liability of officers

25 (1) In the Registered Designs Act 1949 after section 35...

Section 36: general power to make rules, &c.

26 (1) Section 36 of the Registered Designs Act 1949 (general...

Section 37: provisions as to rules and Orders

27 (1) Section 37 of the Registered Designs Act 1949 (provisions...

Section 38: proceedings of the Board of Trade

28 Section 38 of the Registered Designs Act 1949 (proceedings of...

Section 39: hours of business and excluded days

29 In section 39 of the Registered Designs Act 1949 (hours...

Section 40: fees

30 In section 40 of the Registered Designs Act 1949 (fees)...

Section 44: interpretation

31 (1) In section 44 of the Registered Designs Act 1949...

Section 45: application to Scotland

32 In section 45 of the Registered Designs Act 1949 (application...

Section 46: application to Northern Ireland

33 (1) Section 46 of the Registered Designs Act 1949 (application...

Section 47: application to Isle of Man

34 For section 47 of the Registered Designs Act 1949 (application...

Section 47A: territorial waters and the continental shelf

35 In the Registered Designs Act 1949, after section 47 insert—...

Section 48: repeals, savings and transitional provisions

36 In section 48 of the Registered Designs Act 1949 (repeals,...

Schedule 1: provisions as to Crown use of registered designs

37 (1) The First Schedule to the Registered Designs Act 1949...

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Schedule 2: enactments repealed

38 Schedule 2 to the Registered Designs Act 1949 (enactments repealed)...

SCHEDULE 4 — The Registered Designs Act 1949 as amended Arrangement of Sections

Registrable designs and proceedings for registration

- 1 Designs registrable under Act.
- 2 Proprietorship of designs.
- 3 Proceedings for registration.
- 4 Registration of same design in respect of other articles.
- 5 Provision for secrecy of certain designs.
- 6 Provisions as to confidential disclosure, &c.

Effect of registration, &c.

- 7 Right given by registration.
- 8 Duration of right in registered design.
- 8A Restoration of lapsed right in design.
- 8B Effect of order for restoration of right.
- 9 Exemption of innocent infringer from liability for damages.
- 10 Compulsory licence in respect of registered design.
- 11 Cancellation of registration.
- 11A Powers exercisable for protection of the public interest.
- 11B Undertaking to take licence of right in infringement proceedings.
- 12 Use for services of the Crown.

International arrangements

- 13 Orders in Council as to convention countries.
- 14 Registration of design where application for protection in convention country...
- 15 Extension of time for applications under s.14 in certain cases....
- 16 Protection of designs communicated under international agreements.

Register of designs, &c.

- 17 Register of designs.
- 18 Certificate of registration.
- 19 Registration of assignments, &c.
- 20 Rectification of register.
- 21 Power to correct clerical errors.
- 22 Inspection of registered designs.
- 23 Information as to existence of right in registered design.
- 24

Legal proceedings and appeals

- 25 Certificate of contested validity of registration.
- 26 Remedy for groundless threats of infringement proceedings.
- 27 The court.
- 28 The Appeal Tribunal.

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Powers and duties of registrar

- 29 Exercise of discretionary powers of registrar.
- 30 Costs and security for costs.
- 31 Evidence before registrar.
- 32
- 33 Offences under s.5.
- 34 Falsification of register, &c.
- 35 Fine for falsely representing a design as registered.
- 35A Offence by body corporate: liability of officers.

Rules, &c.

- 36 General power of Secretary of State to make rules, &c....
- 37 Provisions as to rules and Orders.
- 38

Supplemental

- 39 Hours of business and excluded days.
- 40 Fees.
- 41 Service of notices, &c., by post.
- 42 Annual report of registrar.
- 43 Savings.
- 44 Interpretation.
- 45 Application to Scotland.
- 46 Application to Northern Ireland.
- 47 Application to Isle of Man.
- 47A Territorial waters and the continental shelf.
- 48 Repeals, savings and transitional provisions.
- 49 Short title and commencement. Schedules: Schedule 1—Provisions as to the...

Registrable designs and proceedings for registration

- 1 Designs registrable under Act.
- 2 Proprietorship of designs.
- 3 Proceedings for registration.
- 4 Registration of same design in respect of other articles, etc.
- 5 Provisions for secrecy of certain designs.
- 6 Provisions as to confidential disclosure, etc.

Effect of registration, &c.

- 7 Right given by registration.
- 8 Duration of right in registered design.
- 8A Restoration of lapsed right in design.
- 8B Effect of order for restoration of right.
- 9 Exemption of innocent infringer from liability for damages.
- 10 Compulsory licence in respect of registered design.
- 11 Cancellation of registration.
- 11A Powers exercisable for protection of the public interest.
- 11B Undertaking to take licence of right in infringement proceedings.
- 12 Use for services of the Crown.

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International Arrangements

- 13 Orders in Council as to convention countries.
- 14 Registration of design where application for protection in convention country has been made.
- 15 Extension of time for applications under s.14 in certain cases.
- 16 Protection of designs communicated under international agreements.

Register of designs, etc.

- 17 Register of designs.
- 18 Certificate of registration.
- 19 Registration of assignments, etc.
- 20 Rectification of register.
- 21 Power to correct clerical errors.
- 22 Inspection of registered designs.
- 23 Information as to existence of right in registered design.

Legal proceedings and appeals

- 25 Certificate of contested validity of registration.
- 26 Remedy for groundless threats of infringement proceedings.
- 27 The court.
- 28 The Appeal Tribunal.

Powers and duties of Registrar

- 29 Exercise of discretionary powers of registrar.
- 30 Costs and security for costs.
- 31 Evidence before registrar.

Offences

- 33 Offences under s.5.
- 34 Falsification of register, etc.
- 35 Fine for falsely representing a design as registered.
- 35A Offence by body corporate: liability of officers.

Rules, etc.

- 36 General power of Secretary of State to make rules, etc.
- 37 Provisions as to rules and Orders.

Supplemental

- 39 Hours of business and excluded days.
- 40 Fees.
- 41 Service of notices, &c., by post.
- 42 Annual report of registrar.
- 43 Savings.
- 44 Interpretation.
- 45 Application to Scotland.
- 46 Application to Northern Ireland.
- 47 Application to Isle of Man.
- 47A Territorial waters and the continental shelf.
- 48 Repeals, savings, and transitional provisions.

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49 Short title and commencement.

FIRST SCHEDULE

Provisions as to the Use of Registered Designs for the...

Use of registered designs for services of the Crown

- 1 (1) Notwithstanding anything in this Act, any Government department, and...

Rights of third parties in respect of Crown use

- 2 (1) In relation to any use of a registered design,...

Compensation for loss of profit

- 2A (1) Where Crown use is made of a registered design,...

Reference of disputes as to Crown use

- 3 (1) Any dispute as to— (a) the exercise by a...

Special provisions as to Crown use during emergency

- 4 (1) During any period of emergency within the meaning of...

SCHEDULE 5 — Patents: miscellaneous amendments

Withdrawal of application before publication of specification

- 1 In section 13(2) of the Patents Act 1949 (duty of...

Correction of clerical errors

- 2 (1) In section 15 of the Patents Act 1977 (filing...

Supplementary searches

- 3 (1) Section 17 of the Patents Act 1977 (preliminary examination...
4 In section 18 of the Patents Act 1977 (substantive examination...
5 In section 130(1) of the Patents Act 1977 (interpretation), in...

Application for restoration of lapsed patent

- 6 (1) Section 28 of the Patents Act 1977 (restoration of...
7 After that section insert— Effect of order for restoration of...
8 In consequence of the above amendments— (a) in section 60(6)(b)...

Determination of right to patent after grant

- 9 (1) Section 37 of the Patents Act 1977 (determination of...
10 In section 74(6) (meaning of “entitlement proceedings”), for
“section 37(1)(a)...

Employees’ inventions

- 11 (1) In section 39 of the Patents Act 1977 (right...

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Undertaking to take licence in infringement proceedings

12 (1) Section 46 of the Patents Act 1977 (licences of...

Power of comptroller on grant of compulsory licence

13 In section 49 of the Patents Act 1977 (supplementary provisions...

Powers exercisable in consequence of report of Monopolies and Mergers Commission

14 For section 51 of the Patents Act 1977 (licences of...

Compulsory licensing: reliance on statements in competition report

15 In section 53(2) of the Patents Act 1977 (compulsory licensing:...

Crown use: compensation for loss of profit

16 (1) In the Patents Act 1977, after section 57 insert—...

Right to continue use begun before priority date

17 For section 64 of the Patents Act 1977 (right to...

Revocation on grounds of grant to wrong person

18 In section 72(1) of the Patents Act 1977 (grounds for...

Revocation where two patents granted for same invention

19 In section 73 of the Patents Act 1977 (revocation on...

Applications and amendments not to include additional matter

20 For section 76 of the Patents Act 1977 (amendments of...

Effect of European patent (UK)

21 (1) Section 77 of the Patents Act 1977 (effect of...

The state of the art: material contained in patent applications

22 In section 78 of the Patents Act 1977 (effect of...

Jurisdiction in certain proceedings

23 Section 88 of the Patents Act 1977 (jurisdiction in legal...

Effect of filing international application for patent

24 (1) Section 89 of the Patents Act 1977 (effect of...

25 For section 89 of the Patents Act 1977 (effect of...

Proceedings before the court or the comptroller

26 In the Patents Act 1977, after section 99 (general powers...

27 For section 102 of the Patents Act 1977 (right of...

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Provision of information

28 In section 118 of the Patents Act 1977 (information about...

Power to extend time limits

29 In section 123 of the Patents Act 1977 (rules), after...

Availability of samples of micro-organisms

30 In the Patents Act 1977 after section 125 insert— Disclosure...

SCHEDULE 5A — PERMITTED ACTS TO WHICH SECTION 296ZE APPLIES

PART 1 — COPYRIGHT EXCEPTIONS

section 29 (research and private study)
 section 32(1), (2) and (3) (things done for purposes of...
 section 35 (recording by educational establishments of broadcasts)
 section 36 (reprographic copying by educational establishments of passages from...
 section 38 (copying by librarians: articles in periodicals)
 section 39 (copying by librarians: parts of published works)
 section 41 (copying by librarians: supply of copies to other...
 section 42 (copying by librarians or archivists: replacement copies of...
 section 43 (copying by librarians or archivists: certain unpublished works)...
 section 44 (copy of work required to be made as...
 section 45 (Parliamentary and judicial proceedings)
 section 46 (Royal Commissions and statutory inquiries)
 section 47 (material open to public inspection or on official...
 section 48 (material communicated to the Crown in the course...
 section 49 (public records)
 section 50 (acts done under statutory authority)
 section 61 (recordings of folksongs)
 section 68 (incidental recording for purposes of broadcast)
 section 69 (recording for purposes of supervision and control of...
 section 70 (recording for purposes of time-shifting)
 section 71 (photographs of broadcasts)
 section 74 (provision of sub-titled copies of broadcast)
 section 75 (recording for archival purposes)

PART 2 — RIGHTS IN PERFORMANCES EXCEPTIONS

paragraph 4 of Schedule 2 (things done for purposes of...

PART 3 — DATABASE RIGHT EXCEPTIONS

regulation 20 of and Schedule 1 to the Copyright and...

SCHEDULE 6 — Provisions for the Benefit of the Hospital for Sick Children

Interpretation

1 (1) In this Schedule— “the Hospital” means The Hospital for...

Entitlement to royalty

2 (1) The trustees are entitled, subject to the following provisions...

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Exceptions

3 No royalty is payable in respect of—

Saving

4 No royalty is payable in respect of anything done in...

Procedure for determining amount payable

5 (1) In default of agreement application may be made to...

Sums received to be held on trust

6 The sums received by the trustees by virtue of this...

Right only for the benefit of the Hospital

7 (1) The right of the trustees under this Schedule may...

SCHEDULE 7 — Consequential amendments: general

British Mercantile Marine Uniform Act 1919 (c.62)

1 For section 2 of the British Mercantile Marine Uniform Act...

Chartered Associations (Protection of Names and Uniforms) Act 1926 (c.26)

2 In section 1(5) of the Chartered Associations (Protection of Names...

Patents, Designs, Copyright and Trade Marks (Emergency) Act 1939 (c.107)

3 (1) The Patents, Designs, Copyright and Trade Marks (Emergency) Act...

Crown Proceedings Act 1947 (c.44)

4 (1) In the Crown Proceedings Act 1947 for section 3...

Patents Act 1949 (c.87)

5 In section 47 of the Patents Act 1949 (rights of...

Public Libraries (Scotland) Act 1955 (c.27)

6

London County Council (General Powers) Act 1958 (c.xxi)

7 In section 36 of the London County Council (General Powers)...

Public Libraries and Museums Act 1964 (c.75)

8

Marine, &c., Broadcasting (Offences) Act 1967 (c.41)

9 In section 5 of the Marine, &c., Broadcasting (Offences) Act...

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Medicines Act 1968 (c.67)

10 (1) Section 92 of the Medicines Act 1968 (scope of...

Post Office Act 1969 (c.48)

11 In Schedule 10 to the Post Office Act 1969 (special...

Merchant Shipping Act 1970 (c.36)

12 In section 87 of the Merchant Shipping Act 1970 (merchant...

Taxes Management Act 1970 (c.9)

13 In section 16 of the Taxes Management Act 1970 (returns...

Tribunals and Inquiries Act 1971 (c.62)

14

Fair Trading Act 1973 (c.41)

15 In Schedule 4 to the Fair Trading Act 1973 (excluded...

House of Commons Disqualification Act 1975 (c.24)

16 In Part II of Schedule 1 to the House of...

Northern Ireland Assembly Disqualification Act 1975 (c.25)

17 In Part II of Schedule 1 to the Northern Ireland...

Restrictive Trade Practices Act 1976 (c.34)

18 (1) The Restrictive Trade Practices Act 1976 is amended as...

Resale Prices Act 1976 (c. 53)

19 In section 10(4) of the Resale Prices Act 1976 (patented...

Patents Act 1977 (c. 37)

20 In section 57 of the Patents Act 1977 (rights of...

21 In section 105 of the Patents Act 1977 (privilege in...

22 In section 123(7) of the Patents Act 1977 (publication of...

23 In section 130(1) of the Patents Act 1977 (interpretation), in...

Unfair Contract Terms Act 1977 (c. 50)

24 In paragraph 1 of Schedule 1 to the Unfair Contract...

Judicature (Northern Ireland) Act 1978 (c. 23)

25 In section 94A of the Judicature (Northern Ireland) Act 1978...

Capital Gains Tax Act 1979 (c. 14)

26

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British Telecommunications Act 1981 (c. 38)

27 In Schedule 5 to the British Telecommunications Act 1981 (special...

Senior Courts Act 1981 (c. 54)

28 (1) The Senior Courts Act 1981 is amended as follows....
29, 30

Companies Act 1985 (c. 6)

31 (1) Part XII of the Companies Act 1985 (registration of...

Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73)

32 In section 15 of the Law Reform (Miscellaneous Provisions)
(Scotland)...

Atomic Energy Authority Act 1986 (c. 3)

33 In section 8(2) of the Atomic Energy Authority Act 1986...

Education and Libraries (Northern Ireland) Order 1986 (S.I. 1986/594 (N.I.3))

34

Companies (Northern Ireland) Order 1986 (S.I. 1986/1032 (N.I.6))

35 In Article 403 of the Companies (Northern Ireland) Order 1986...

Income and Corporation Taxes Act 1988 (c. 1)

36 (1) The Income and Corporation Taxes Act 1988 is amended...

SCHEDULE 8 — Repeals

Changes to legislation:

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Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:

- Blanket amendment text amended by [S.I. 2011/1043 art. 3 4](#)
- Blanket amendment text amended by [S.I. 2011/1043 art. 3 6](#)

Commencement Orders yet to be applied to the Copyright, Designs and Patents Act 1988:

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2011/2196 art. 2](#) commences (2007 c. 29)