



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART I

#### COPYRIGHT

#### CHAPTER X

##### MISCELLANEOUS AND GENERAL

##### *Crown and Parliamentary copyright*

#### 163 Crown copyright.

- (1) Where a work is made by Her Majesty or by an officer or servant of the Crown in the course of his duties—
  - (a) the work qualifies for copyright protection notwithstanding section 153(1) (ordinary requirement as to qualification for copyright protection), and
  - (b) Her Majesty is the first owner of any copyright in the work.

[<sup>F1</sup>(1A) For the purposes of this section, works made by Her Majesty include any sound recording, film [<sup>F2</sup>or live broadcast] of the proceedings of the National Assembly for Wales (including proceedings of a committee of the Assembly or of a sub-committee of such a committee) which is made by or under the direction or control 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.]

- (2) Copyright in such a work is referred to in this Part as “Crown copyright”, notwithstanding that it may be, or have been, assigned to another person.
- (3) Crown copyright in a literary, dramatic, musical or artistic work continues to subsist—
  - (a) until the end of the period of 125 years from the end of the calendar year in which the work was made, or

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- (b) if the work is published commercially before the end of the period of 75 years from the end of the calendar year in which it was made, until the end of the period of 50 years from the end of the calendar year in which it was first so published.
- (4) In the case of a work of joint authorship where one or more but not all of the authors are persons falling within subsection (1), this section applies only in relation to those authors and the copyright subsisting by virtue of their contribution to the work.
- (5) Except as mentioned above, and subject to any express exclusion elsewhere in this Part, the provisions of this Part apply in relation to Crown copyright as to other copyright.
- (6) This section does not apply to a work if, or to the extent that, Parliamentary copyright subsists in the work (see sections 165 [F3 to [F4166B]]).

#### Textual Amendments

- F1** S. 163(1A) inserted (1.4.1999) by 1998 c. 38, s. 125, **Sch. 12 para. 28** (with ss. 139(2), 143(2)); S.I. 1999/782, **art. 2**
- F2** Words in s. 163(1A) substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 2(1), Sch. 1 para. 11(a)** (with regs. 31-40)
- F3** Words in s. 163(6) substituted (6.5.1999) by 1998 c. 46, s. 125(1), **Sch. 8 para. 25(4)**; S.I. 1998/3178, **art. 2(2), Sch. 3**
- F4** Words in s. 163(6) substituted (2.12.1999) by 1998 c. 47, ss. 99, 101(3), **Sch. 13 para. 8(4)** (with s. 95)

## 164 Copyright in Acts and Measures.

- (1) Her Majesty is entitled to copyright in every Act of Parliament [F5 Act of the Scottish Parliament][F6, Act of the Northern Ireland Assembly] or Measure of the General Synod of the Church of England.
- (2) The copyright subsists from Royal Assent until the end of the period of 50 years from the end of the calendar year in which Royal Assent was given.
- (3) References in this Part to Crown copyright (except in section 163) include copyright under this section; and, except as mentioned above, the provisions of this Part apply in relation to copyright under this section as to other Crown copyright.
- (4) No other copyright, or right in the nature of copyright, subsists in an Act or Measure.

#### Textual Amendments

- F5** Words in s. 164(1) inserted (6.5.1999) by 1998 c. 46, s. 125(1), **Sch. 8 para. 25(5)**; S.I. 1998/3178, **art. 2(2), Sch. 3**
- F6** Words in s. 164(1) inserted (2.12.1999) by 1998 c. 47, s. 99, **Sch. 13 para. 8(5)** (with s. 95); S.I. 1999/3209, **art. 2, Sch.**

## 165 Parliamentary copyright.

- (1) Where a work is made by or under the direction or control of the House of Commons or the House of Lords—

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- (a) the work qualifies for copyright protection notwithstanding section 153(1) (ordinary requirement as to qualification for copyright protection), and
  - (b) the House by whom, or under whose direction or control, the work is made is the first owner of any copyright in the work, and if the work is made by or under the direction or control of both Houses, the two Houses are joint first owners of copyright.
- (2) Copyright in such a work is referred to in this Part as “Parliamentary copyright”, notwithstanding that it may be, or have been, assigned to another person.
- (3) Parliamentary copyright in a literary, dramatic, musical or artistic work continues to subsist until the end of the period of 50 years from the end of the calendar year in which the work was made.
- (4) For the purposes of this section, works made by or under the direction or control of the House of Commons or the House of Lords include—
- (a) any work made by an officer or employee of that House in the course of his duties, and
  - (b) any sound recording, film [<sup>F7</sup>or live broadcast] of the proceedings of that House;
- but a work shall not be regarded as made by or under the direction or control of either House by reason only of its being commissioned by or on behalf of that House.
- (5) In the case of a work of joint authorship where one or more but not all of the authors are acting on behalf of, or under the direction or control of, the House of Commons or the House of Lords, this section applies only in relation to those authors and the copyright subsisting by virtue of their contribution to the work.
- (6) Except as mentioned above, and subject to any express exclusion elsewhere in this Part, the provisions of this Part apply in relation to Parliamentary copyright as to other copyright.
- (7) The provisions of this section also apply, subject to any exceptions or modifications specified by Order in Council, to works made by or under the direction or control of any other legislative body of a country to which this Part extends; and references in this Part to “Parliamentary copyright” shall be construed accordingly.
- (8) A statutory instrument containing an Order in Council under subsection (7) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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#### Textual Amendments

- F7** Words in s. 165(4)(b) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 2(1), **Sch. 1 para. 11(b)** (with regs. 31-40)
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#### Modifications etc. (not altering text)

- C1** S. 165 modified (6.5.1999) by [S.I. 1999/676](#), **art. 2**  
S. 165 modified (2.12.1999) by [S.I. 1999/3146](#), **arts. 1(1), 2**; [S.I. 1999/3208](#), **art. 2**
- C2** S. 165 modified (3.5.2007 in accordance with art. 1(2) of the amending S.I.) by [The Parliamentary Copyright \(National Assembly for Wales\) Order 2007 \(S.I. 2007/1116\)](#), **art. 2**

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## **166 Copyright in Parliamentary Bills.**

- (1) Copyright in every Bill introduced into Parliament belongs, in accordance with the following provisions, to one or both of the Houses of Parliament.
- (2) Copyright in a public Bill belongs in the first instance to the House into which the Bill is introduced, and after the Bill has been carried to the second House to both Houses jointly, and subsists from the time when the text of the Bill is handed in to the House in which it is introduced.
- (3) Copyright in a private Bill belongs to both Houses jointly and subsists from the time when a copy of the Bill is first deposited in either House.
- (4) Copyright in a personal Bill belongs in the first instance to the House of Lords, and after the Bill has been carried to the House of Commons to both Houses jointly, and subsists from the time when it is given a First Reading in the House of Lords.
- (5) Copyright under this section ceases—
  - (a) on Royal Assent, or
  - (b) if the Bill does not receive Royal Assent, on the withdrawal or rejection of the Bill or the end of the Session:

Provided that, copyright in a Bill continues to subsist notwithstanding its rejection in any Session by the House of Lords if, by virtue of the Parliament Acts 1911 and 1949, it remains possible for it to be presented for Royal Assent in that Session.

- (6) References in this Part to Parliamentary copyright (except in section 165) include copyright under this section; and, except as mentioned above, the provisions of this Part apply in relation to copyright under this section as to other Parliamentary copyright.
- (7) No other copyright, or right in the nature of copyright, subsists in a Bill after copyright has once subsisted under this section; but without prejudice to the subsequent operation of this section in relation to a Bill which, not having passed in one Session, is reintroduced in a subsequent Session.

## **[<sup>F8</sup>166A Copyright in Bills of the Scottish Parliament.**

- (1) Copyright in every Bill introduced into the Scottish Parliament belongs to the Scottish Parliamentary Corporate Body.
- (2) Copyright under this section subsists from the time when the text of the Bill is handed in to the Parliament for introduction—
  - (a) until the Bill receives Royal Assent, or
  - (b) if the Bill does not receive Royal Assent, until it is withdrawn or rejected or no further parliamentary proceedings may be taken in respect of it.
- (3) References in this Part to Parliamentary copyright (except in section 165) include copyright under this section; and, except as mentioned above, the provisions of this Part apply in relation to copyright under this section as to other Parliamentary copyright.
- (4) No other copyright, or right in the nature of copyright, subsists in a Bill after copyright has once subsisted under this section; but without prejudice to the subsequent operation of this section in relation to a Bill which, not having received Royal Assent, is later reintroduced into the Parliament.]

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#### Textual Amendments

**F8** S. 166A inserted (6.5.1999) by 1998 c. 46, s. 125(1), **Sch. 8 para. 25(6)**; S.I. 1998/3178, art. 2(2), **Sch. 3**

#### [<sup>F9</sup>166B Copyright in Bills of the Northern Ireland Assembly.

- (1) Copyright in every Bill introduced into the Northern Ireland Assembly belongs to the Northern Ireland Assembly Commission.
- (2) Copyright under this section subsists from the time when the text of the Bill is handed in to the Assembly for introduction—
  - (a) until the Bill receives Royal Assent, or
  - (b) if the Bill does not receive Royal Assent, until it is withdrawn or rejected or no further proceedings of the Assembly may be taken in respect of it.
- (3) References in this Part to Parliamentary copyright (except in section 165) include copyright under this section; and, except as mentioned above, the provisions of this Part apply in relation to copyright under this section as to other Parliamentary copyright.
- (4) No other copyright, or right in the nature of copyright, subsists in a Bill after copyright has once subsisted under this section; but without prejudice to the subsequent operation of this section in relation to a Bill which, not having received Royal Assent, is later reintroduced into the Assembly.]

#### Textual Amendments

**F9** S. 166B inserted (2.12.1999) by 1998 c. 47, s. 99, **Sch. 13 para. 8(6)** (with s. 95); S.I. 1999/3209, art. 2, **Sch. 2**.

VALID FROM 03/05/2007

#### [<sup>F10</sup>166CCopyright in proposed Measures of the National Assembly for Wales

- (1) Copyright in every proposed Assembly Measure introduced into the National Assembly for Wales belongs to the National Assembly for Wales Commission.
- (2) Copyright under this section subsists from the time when the text of the proposed Assembly Measure is handed in to the Assembly for introduction—
  - (a) until the proposed Assembly Measure is approved by Her Majesty in Council, or
  - (b) if the proposed Assembly Measure is not approved by Her Majesty in Council, until it is withdrawn or rejected or no further proceedings of the Assembly may be taken in respect of it.
- (3) References in this Part to Parliamentary copyright (except in section 165) include copyright under this section; and, except as mentioned above, the provisions of this Part apply in relation to copyright under this section as to other Parliamentary copyright.

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- (4) No other copyright, or right in the nature of copyright, subsists in a proposed Assembly Measure after copyright has once subsisted under this section; but without prejudice to the subsequent operation of this section in relation to a proposed Assembly Measure which, not having been approved by Her Majesty in Council, is later reintroduced into the Assembly.

#### Textual Amendments

**F10** Ss. 166C, 166D inserted by [Government of Wales Act 2006 \(c. 32\)](#), s. 160(1), [Sch. 10 para. 28](#) (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.

VALID FROM 03/05/2007

#### 166D Copyright in Bills of the National Assembly for Wales

- (1) Copyright in every Bill introduced into the National Assembly for Wales belongs to the National Assembly for Wales Commission.
- (2) Copyright under this section subsists from the time when the text of the Bill is handed in to the Assembly for introduction—
  - (a) until the Bill receives Royal Assent, or
  - (b) if the Bill does not receive Royal Assent, until it is withdrawn or rejected or no further proceedings of the Assembly may be taken in respect of it.
- (3) References in this Part to Parliamentary copyright (except in section 165) include copyright under this section; and, except as mentioned above, the provisions of this Part apply in relation to copyright under this section as to other Parliamentary copyright.
- (4) No other copyright, or right in the nature of copyright, subsists in a Bill after copyright has once subsisted under this section; but without prejudice to the subsequent operation of this section in relation to a Bill which, not having received Royal Assent, is later reintroduced into the Assembly.]

#### Textual Amendments

**F10** Ss. 166C, 166D inserted by [Government of Wales Act 2006 \(c. 32\)](#), s. 160(1), [Sch. 10 para. 28](#) (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.

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## **167 Houses of Parliament: supplementary provisions with respect to copyright.**

- (1) For the purposes of holding, dealing with and enforcing copyright, and in connection with all legal proceedings relating to copyright, each House of Parliament shall be treated as having the legal capacities of a body corporate, which shall not be affected by a prorogation or dissolution.
- (2) The functions of the House of Commons as owner of copyright shall be exercised by the Speaker on behalf of the House; and if so authorised by the Speaker, or in case of a vacancy in the office of Speaker, those functions may be discharged by the Chairman of Ways and Means or a Deputy Chairman.
- (3) For this purpose a person who on the dissolution of Parliament was Speaker of the House of Commons, Chairman of Ways and Means or a Deputy Chairman may continue to act until the corresponding appointment is made in the next Session of Parliament.
- (4) The functions of the House of Lords as owner of copyright shall be exercised by the Clerk of the Parliaments on behalf of the House; and if so authorised by him, or in case of a vacancy in the office of Clerk of the Parliaments, those functions may be discharged by the Clerk Assistant or the Reading Clerk.
- (5) Legal proceedings relating to copyright—
  - (a) shall be brought by or against the House of Commons in the name of “The Speaker of the House of Commons”; and
  - (b) shall be brought by or against the House of Lords in the name of “The Clerk of the Parliaments”.

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