

*Status: Point in time view as at 29/10/2014.*

*Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Cross Heading: Acts infringing copyright. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

#### COPYRIGHT: TRANSITIONAL PROVISIONS AND SAVINGS

##### Modifications etc. (not altering text)

- C1 Sch. 1 applied (with modifications) by S.I. 1989/1293, [art. 4\(4\)\(5\)\(6\)](#)
- C1 Sch. 1 applied (with modifications)(4.5.1993) by S.I. 1993/942, [arts. 2\(3\), 5, Sch. 4](#) (with [art. 6](#))
- C1 Sch. 1 applied (4.5.1993) by S.I. 1993/942, [arts.4, 5, Sch. 4](#) (with [art. 6](#))
- C1 Sch. 1 applied (with modifications) (22.7.1999) by S.I. 1999/1751, [arts. 2\(3\), 3, 4\(3\)-\(5\), 6, Sch. 5](#) (subject to [arts. 5, 7](#)) (as amended (22.4.2003) by S.I. 2003/774, [arts. 2-5](#))
- C1 Sch. 1 extended in part (with modifications) by [The Copyright \(Bermuda\) Order 2003 \(S.I. 2003/1517\)](#), [art. 2, Sch.](#) (the amendment coming into force in accordance with [art. 1](#) of the amending S.I.)
- C1 Sch. 1 extended in part (with modifications) by [The Copyright \(Gibraltar\) Order 2005 \(S.I. 2005/853\)](#), [art. 2, Sch.](#) (the amendment coming into force in accordance with [art. 1](#) of the amending S.I.)

##### *Acts infringing copyright*

- 14 (1) The provisions of Chapters II and III of Part I as to the acts constituting an infringement of copyright apply only in relation to acts done after commencement; the provisions of the 1956 Act continue to apply in relation to acts done before commencement.
- (2) So much of section 18(2) as extends the restricted act of issuing copies to the public to include the rental to the public of copies of sound recordings, films or computer programs does not apply in relation to a copy of a sound recording, film or computer program acquired by any person before commencement for the purpose of renting it to the public.
- (3) For the purposes of section 27 (meaning of “infringing copy”) the question whether the making of an article constituted an infringement of copyright, or would have done if the article had been made in the United Kingdom, shall be determined—
- (a) in relation to an article made on or after 1st June 1957 and before commencement, by reference to the 1956 Act, and
  - (b) in relation to an article made before 1st June 1957, by reference to the 1911 Act.
- (4) For the purposes of the application of sections 31(2), 51(2) and 62(3) (subsequent exploitation of things whose making was, by virtue of an earlier provision of the section, not an infringement of copyright) to things made before commencement, it shall be assumed that the new copyright provisions were in force at all material times.
- (5) Section 55 (articles for producing material in a particular typeface) applies where articles have been marketed as mentioned in subsection (1) before commencement with the substitution for the period mentioned in subsection (3) of the period of 25

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years from the end of the calendar year in which the new copyright provisions come into force.

- (6) Section 56 (transfer of copies, adaptations, &c. of work in electronic form) does not apply in relation to a copy purchased before commencement.
- (7) In section 65 (reconstruction of buildings) the reference to the owner of the copyright in the drawings or plans is, in relation to buildings constructed before commencement, to the person who at the time of the construction was the owner of the copyright in the drawings or plans under the 1956 Act, the 1911 Act or any enactment repealed by the 1911 Act.
- 15 (1) Section 57 (anonymous or pseudonymous works: acts permitted on assumptions as to expiry of copyright or death of author) has effect in relation to existing works subject to the following provisions.
- (2) Subsection (1)(b)(i) (assumption as to expiry of copyright) does not apply in relation to—
- (a) photographs, or
  - (b) the rights mentioned in paragraph 13 above (rights conferred by the <sup>M1</sup>Copyright Act 1775).
- (3) <sup>F1</sup> .....

#### Textual Amendments

**F1** Sch. 1 para. 15(3) repealed (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 2, Sch. 1 para. 16(b), [Sch. 2](#) (with regs. 31-40)

#### Marginal Citations

**M1** 1775 c. 53.

- 16 The following provisions of section 7 of the 1956 Act continue to apply in relation to existing works—
- (a) subsection (6) (copying of unpublished works from manuscript or copy in library, museum or other institution);
  - (b) subsection (7) (publication of work containing material to which subsection (6) applies), except paragraph (a) (duty to give notice of intended publication);
  - (c) subsection (8) (subsequent broadcasting, performance, &c. of material published in accordance with subsection (7));
- and subsection (9)(d) (illustrations) continues to apply for the purposes of those provisions.
- 17 Where in the case of a dramatic or musical work made before 1st July 1912, the right conferred by the 1911 Act did not include the sole right to perform the work in public, the acts restricted by the copyright shall be treated as not including—
- (a) performing the work in public,
  - [<sup>F2</sup>(b) communicating the work to the public, or]
  - (c) doing any of the above in relation to an adaptation of the work;

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and where the right conferred by the 1911 Act consisted only of the sole right to perform the work in public, the acts restricted by the copyright shall be treated as consisting only of those acts.

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**Textual Amendments**

**F2** Sch. 1 para. 17(b) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 2(1), **Sch. 1 para. 4(6)** (with regs. 31-40)

18 Where a work made before 1st July 1912 consists of an essay, article or portion forming part of and first published in a review, magazine or other periodical or work of a like nature, the copyright is subject to any right of publishing the essay, article, or portion in a separate form to which the author was entitled at the commencement of the 1911 Act, or would if that Act had not been passed, have become entitled under section 18 of the <sup>M2</sup>Copyright Act 1842.

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**Marginal Citations**

**M2** [1842 c. 45.](#)

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