



# 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.

(1A)<sup>F1</sup> .....

- (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
  - (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.

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*Changes to legislation:* There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 163. (See end of Document for details)

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- (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 [<sup>F2</sup>to [<sup>F3</sup>166D]]).

#### Textual Amendments

- F1** S. 163(1A) repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 160(1), 163, [Sch. 10 para. 26\(2\)](#), [Sch. 12](#) (with [Sch. 11 para. 22](#)), the amending provision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.
- F2** 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](#)
- F3** Word in s. 163(6) substituted by [Government of Wales Act 2006 \(c. 32\)](#), s. 160(1), [Sch. 10 para. 26\(3\)](#) (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.

**Changes to legislation:**

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 163.