



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART II

#### RIGHTS IN PERFORMANCES

#### [<sup>F1</sup>CHAPTER 2

#### ECONOMIC RIGHTS]

<sup>X1</sup> *Supplementary provisions with respect to delivery up and seizure*

<sup>X1</sup>**203** **Period after which remedy of delivery up not available.**

- (1) An application for an order under section 195 (order for delivery up in civil proceedings) may not be made after the end of the period of six years from the date on which the illicit recording in question was made, subject to the following provisions.
- (2) If during the whole or any part of that period a person entitled to apply for an order—
  - (a) is under a disability, or
  - (b) is prevented by fraud or concealment from discovering the facts entitling him to apply,an application may be made by him at any time before the end of the period of six years from the date on which he ceased to be under a disability or, as the case may be, could with reasonable diligence have discovered those facts.
- (3) In subsection (2) “disability”—
  - (a) in England and Wales, has the same meaning as in the <sup>M1</sup>Limitation Act 1980;
  - (b) in Scotland, means legal disability within the meaning of the <sup>M2</sup>Prescription and Limitations (Scotland) Act 1973;
  - (c) in Northern Ireland, has the same meaning as in the <sup>M3</sup>Statute of Limitation (Northern Ireland) 1958.

---

*Changes to legislation:* There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 203. (See end of Document for details)

---

- (4) An order under section 199 (order for delivery up in criminal proceedings) shall not, in any case, be made after the end of the period of six years from the date on which the illicit recording in question was made.

---

#### **Editorial Information**

- X1** The insertion of the new headings "Chapter 1 Introductory", "Chapter 2 Economic Rights", "Chapter 3 Moral Rights" and "Chapter 4 Qualification for Protection, Extent and Interpretation" in Pt. II on 1.2.2006 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under those new headings.
- 

#### **Marginal Citations**

- M1** 1980 c. 58.  
**M2** 1973 c. 52.  
**M3** 1958 c. 10 (N.I).

**Changes to legislation:**

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 203.