



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART I

COPYRIGHT

CHAPTER III

ACTS PERMITTED IN RELATION TO COPYRIGHT WORKS

Public administration

47 Material open to public inspection or on official register.

- (1) Where material is open to public inspection pursuant to a statutory requirement, or is on a statutory register, any copyright in the material as a literary work is not infringed by the copying of so much of the material as contains factual information of any description, by or with the authority of the appropriate person, for a purpose which does not involve the issuing of copies to the public.
- [^{F1}(2) Where material is open to public inspection pursuant to a statutory requirement, copyright in the material is not infringed by an act to which subsection (3A) applies provided that—
 - (a) the act is done by or with the authority of the appropriate person,
 - (b) the purpose of the act is—
 - (i) to enable the material to be inspected at a more convenient time or place, or
 - (ii) to otherwise facilitate the exercise of any right for the purpose of which the statutory requirement is imposed, and
 - (c) in the case of the act specified in subsection (3A)(c), the material is not commercially available to the public by or with the authority of the copyright owner.

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 47. (See end of Document for details)

- (3) Where material which contains information about matters of general scientific, technical, commercial or economic interest is on a statutory register or is open to public inspection pursuant to a statutory requirement, copyright in the material is not infringed by an act to which subsection (3A) applies provided that—
- (a) the act is done by or with the authority of the appropriate person,
 - (b) the purpose of the act is to disseminate that information, and
 - (c) in the case of the act specified in subsection (3A)(c), the material is not commercially available to the public by or with the authority of the copyright owner.
- (3A) This subsection applies to any of the following acts—
- (a) copying the material,
 - (b) issuing copies of the material to the public, and
 - (c) making the material (or a copy of it) available to the public by electronic transmission in such a way that members of the public may access it from a place and at a time individually chosen by them.]
- (4) The Secretary of State may by order provide that subsection (1), (2) or (3) shall, in such cases as may be specified in the order, apply only to copies marked in such manner as may be so specified.
- (5) The Secretary of State may by order provide that subsections (1) to (3) apply, to such extent and with such modifications as may be specified in the order—
- (a) to material made open to public inspection by—
 - (i) an international organisation specified in the order, or
 - (ii) a person so specified who has functions in the United Kingdom under an international agreement to which the United Kingdom is party, or
 - (b) to a register maintained by an international organisation specified in the order, as they apply in relation to material open to public inspection pursuant to a statutory requirement or to a statutory register.
- (6) In this section—
- “appropriate person” means the person required to make the material open to public inspection or, as the case may be, the person maintaining the register;
- “statutory register” means a register maintained in pursuance of a statutory requirement; and
- “statutory requirement” means a requirement imposed by provision made by or under an enactment.
- (7) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F1** S. 47(2)-(3A) substituted for s. 47(2)(3) (1.6.2014) by [The Copyright \(Public Administration\) Regulations 2014 \(S.I. 2014/1385\)](#), regs. 1, **2(1)**

Modifications etc. (not altering text)

- C1** S. 47(1) extended with modifications by [S.I. 1989/1098](#), **art. 2**
- C2** S. 47(6) modified (1.3.2010) by [The Scottish Register of Tartans Act 2008 \(Consequential Modifications\) Order 2010 \(S.I. 2010/180\)](#), **art. 2(2)** (with art. 2(4))

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C3 S. 47(6) modified (26.2.2015) by [The Regulatory Reform \(Scotland\) Act 2014 \(Consequential Modifications\) Order 2015 \(S.I. 2015/374\)](#), arts. 1(1), **3(3)** (with art. 3(4))

Changes to legislation:

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 47.