



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART I

#### COPYRIGHT

### CHAPTER III

#### ACTS PERMITTED IN RELATION TO COPYRIGHT WORKS

##### *Public administration*

#### **48 Material communicated to the Crown in the course of public business.**

- (1) This section applies where a literary, dramatic, musical or artistic work has in the course of public business been communicated to the Crown for any purpose, by or with the licence of the copyright owner and a document or other material thing recording or embodying the work is owned by or in the custody or control of the Crown.
- [<sup>F1</sup>(2) The Crown may, without infringing copyright in the work, do an act specified in subsection (3) provided that—
- (a) the act is done for the purpose for which the work was communicated to the Crown, or any related purpose which could reasonably have been anticipated by the copyright owner, and
  - (b) the work has not been previously published otherwise than by virtue of this section.]
- [<sup>F1</sup>(3) The acts referred to in subsection (2) are—
- (a) copying the work,
  - (b) issuing copies of the work to the public, and
  - (c) making the work (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.]

**Changes to legislation:** Copyright, Designs and Patents Act 1988, Section 48 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) In subsection (1) “public business” includes any activity carried on by the Crown.
- (5) This section has effect subject to any agreement to the contrary between the Crown and the copyright owner.
- [<sup>F2</sup>(6) In this section “the Crown” includes a health service body, as defined in section 60(7) of the National Health Service and Community Care Act 1990, [<sup>F3</sup>NHS England][<sup>F4</sup>, an integrated care board established under section 14Z25 of the National Health Service Act 2006,]<sup>F5</sup>... , the Care Quality Commission <sup>F6</sup>... [<sup>F7</sup>, [<sup>F8</sup>the Health Services Safety Investigations Body,] the Health Research Authority] and a National Health Service trust established under [<sup>F9</sup>section 25 of the National Health Service Act 2006, section 18 of the National Health Service (Wales) Act 2006 ] or the National Health Service (Scotland) Act 1978 [<sup>F10</sup> and an NHS foundation trust ] [<sup>F11</sup> and also includes a health and social services body, as defined in Article 7(6) of the Health and Personal Social Services (Northern Ireland) Order 1991, and a Health and Social Services trust established under that Order ], and the reference in subsection (1) above to public business shall be construed accordingly. ]

#### Textual Amendments

- F1** S. 48(2)(3) substituted (1.6.2014) by [The Copyright \(Public Administration\) Regulations 2014 \(S.I. 2014/1385\)](#), regs. 1, **2(2)**
- F2** S. 48(6) added by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 60(2), **Sch. 8 para. 3**
- F3** Words in s. 48 substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), Sch. 1 para. 1(1)(2); [S.I. 2022/734](#), reg. 2(a), Sch. (with regs. 13, 29, 30)
- F4** Words in s. 48(6) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 4 para. 26**; [S.I. 2022/734](#), reg. 2(a), Sch. (with regs. 13, 29, 30)
- F5** Words in s. 48(6) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 5 para. 44(b)**; [S.I. 2013/160](#), art. 2(2) (with arts. 7-9)
- F6** Words in s. 48(6) omitted (1.4.2023) by virtue of [The Health Education England \(Transfer of Functions, Abolition and Transitional Provisions\) Regulations 2023 \(S.I. 2023/368\)](#), reg. 1(2), **Sch. 1 para. 5** (with reg. 7)
- F7** Words in s. 48(6) inserted (1.1.2015) by [Care Act 2014 \(c. 23\)](#), s. 127(1), **Sch. 7 para. 25**; [S.I. 2014/2473](#), art. 5(m)
- F8** Words in s. 48(6) inserted (1.10.2023) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 15 para. 5**; [S.I. 2023/1035](#), reg. 2(c)
- F9** Words in s. 48(6) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 2, 8, **Sch. 1 para. 112(b)** (with s. 5, Sch. 3 Pt. 1)
- F10** Words in s. 48(6) inserted (1.4.2004) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. 34, 199(1), **Sch. 4 para. 72**; [S.I. 2004/759](#), art. 2
- F11** Words in s. 48(6) inserted (1.4.1992) by [S.I. 1991/194](#), art. 7(2), **Sch. 2 Pt. I para. 3**; [S.R. 1991/131](#), art. 2(e), **Sch. Pt. III**

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

- C1** S. 48: functions made exercisable by Local Health Boards (E.W.) (1.10.2009) by [The Local Health Boards \(Directed Functions\) \(Wales\) Regulations 2009 \(S.I. 2009/1511\)](#), reg. 4, **Sch.** (subject to reg. 5)
- C2** S. 48(6) modified (temp. from 1.10.2008) by [The Health and Social Care Act 2008 \(Consequential Amendments and Transitory Provisions\) Order 2008 \(S.I. 2008/2250\)](#), **art. 3(3)**

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 48(6) words omitted by [2012 c. 7 Sch. 14 para. 52](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 249(1A) inserted by [2007 c. 15 s. 143\(3\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). 2007 c. 15, s. 143 was repealed (6.4.2015) by Intellectual Property Act 2014 (c. 18), ss. 10(11), 24(1); S.I. 2015/165, art. 3)