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SCHEDULES

SEVENTH SCHEDULE

TRANSITIONAL PROVISIONS

PART VII

WORKS MADE BEFORE 1ST JULY, 1912

- 34 (1) This Part of this Schedule applies to works made before the first day of July, nineteen hundred and twelve.
- (2) In this Part of this Schedule " right conferred by the Act of 1911 in relation to a work, means such a substituted right as, by virtue of section twenty-four of the Act of 1911, was conferred in place of a right subsisting immediately before the commencement of that Act.
- 35 Notwithstanding anything in Part I of this Schedule, neither subsection (1) or subsection (2) of section two, nor subsection (2) or subsection (3) of section three, shall apply to a work to which this Part of this Schedule applies, unless a right conferred by the Act of 1911 subsisted in the work immediately before the commencement of section two or section three, as the case may be.
- 36 (1) Where, in the case of a dramatic or musical work to which this Part of this Schedule applies, the right conferred by the Act of 1911 did not include the sole right to perform the work in public, then, in so far as copyright subsists in the work by virtue of this Act, the acts restricted by the copyright shall be treated as not including those specified in sub-paragraph (3) of this paragraph.
- (2) Where, in the case of a dramatic or musical work to which this Part of this Schedule applies, the right conferred by the Act of 1911 consisted only of the sole right to perform the work in public, then, in so far as copyright subsists in the work by virtue of this Act, the acts restricted by the copyright shall be treated as consisting only of those specified in sub-paragraph (3) of this paragraph.
- (3) The said acts are—
- (a) performing the work or an adaptation thereof in public;
 - (b) broadcasting the work or an adaptation thereof;
 - (c) causing the work or an adaptation thereof to be transmitted to subscribers to a diffusion service.
- 37 Where a work to which this Part of this Schedule applies 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, and immediately before the commencement of section two a right of publishing the work in a separate form subsisted by virtue of the provision set out in paragraph 8 of the Eighth Schedule to this Act (being the note appended to the First Schedule to the Act of 1911), that provision shall

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have effect, in relation to that work, as if it had been re-enacted in this Act with the substitution, for the word “right ” where it first occurs, of the word “copyright ”

- 38 (1) Without prejudice to the generality of sub-paragraph (1) of paragraph 28 of this Schedule, the provisions of this paragraph shall have effect where—
- (a) the author of a work to which this Part of this Schedule applies had, before the commencement of the Act of 1911, made such an assignment or grant as is mentioned in paragraph (a) of the proviso to subsection (1) of section twenty-four of that Act (which relates to transactions whereby the author had assigned, or granted an interest in, the copyright or performing right in a work for the full term of that right under the law in force before the Act of 1911), and
 - (b) copyright subsists in the work by virtue of any provision of this Act.
- (2) If, before the commencement of that provision of this Act, any event occurred, or notice was given, which in accordance with paragraph (a) of the said proviso had any operation affecting the ownership of the right conferred by the Act of 1911 in relation to the work, or creating, transferring or terminating an interests right or licence in respect of that right, that event or notice shall have the corresponding operation in relation to the copyright in the work under this Act.
- (3) Any right which, at a time after the commencement of that provision of this Act, would, by virtue of paragraph (a) of the said proviso, have been exercisable in relation to the work, or to the right conferred by the Act of 1911, if this Act had not been passed, shall be exercisable in relation to the work or to the copyright therein under this Act, as the case may be.
- (4) If, in accordance with paragraph (a) of the said proviso, the-right conferred by the Act of 1911 would have reverted to the author or his personal representatives on the date referred to in that paragraph, and the said date falls after the commencement of the provision of this Act whereby copyright subsists in the work, then on that date—
- (a) the copyright in the work under this Act shall revert to the author or his personal representatives, as the case may be, and
 - (b) any interest of any other person in that copyright which subsists on that date by virtue of any document made before the commencement of the Act of 1911 shall thereupon determine.