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## SCHEDULES

### SEVENTH SCHEDULE

#### TRANSITIONAL PROVISIONS

#### PART VIII

##### GENERAL AND SUPPLEMENTARY PROVISIONS

- 39 (1) The provisions of this paragraph shall have effect for the construction of any reference in any provision of this Act—
- (a) to countries to which that provision extends, or
  - (b) to qualified persons.
- (2) Where, at any time after the commencement of any provisions of this Act, a provision which contains such a reference—
- (a) has not yet been extended by virtue of section thirty-one to a country to which the Act of 1911 extended (or which, by virtue of that Act, was to be treated as a country to which it extended), and
  - (b) has not been applied in the case of that country by virtue of section thirty-two,
- then, with respect to any time before the provision is so extended or applied, the reference shall be construed as if the provision did extend to that country.
- (3) For the purpose of determining whether copyright subsists in any work or other subject-matter at a time when a provision containing such a reference has been extended to a country other than the United Kingdom, the reference shall be construed, in relation to past events, as if that provision had always been in operation and had always extended to that country.
- (4) In relation to photographs taken before the commencement of section three, and to sound recordings made before the commencement of section twelve, the definition of “qualified person ” in subsection (5) of section one shall apply as if, in paragraph (b) of that subsection, for the words “body incorporated under the laws of” there were substituted the words “body corporate which has established a place of business in ”.
- 40 (1) The provisions of the two next following sub-paragraphs shall apply where—
- (a) immediately before the date on which any provisions of the Act of 1911 (in this paragraph referred to as “the repealed provisions ”) are repealed in the law of the United Kingdom by this Act, the repealed provisions have effect as applied by an Order in Council made in respect of a foreign country under section twenty-nine of the Act of 1911; and
  - (b) no Order in Council under section thirty-two of this Act, applying any provisions of this Act in the case of that country, is made so as to come into force on or before that date.

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- (2) The repealed provisions, as applied by the Order in Council under section twenty-nine of the Act of 1911 (or by that Order as varied by any subsequent Order thereunder), shall continue to have effect, notwithstanding the repeal, until the occurrence of whichever of the following events first occurs, that is to say—
- (a) the revocation of the Order in Council under section twenty nine of the Act of 1911;
  - (b) the coming into operation of an Order in Council under section thirty-two of this Act applying any of the provisions of this Act in the case of the foreign country in question ;
  - (c) the expiration of the period of two years beginning with the date mentioned in the preceding sub-paragraph.
- (3) For the purposes of continuing, varying or terminating the operation of the repealed provisions in accordance with the last preceding sub-paragraph, and for the purposes of any proceedings arising out of the operation of those provisions in accordance with that sub-paragraph, all the provisions of the Act of 1911 (including the power to revoke or vary Orders in Council under section twenty-nine of that Act) shall be treated as continuing in force as if none of those provisions had been repealed by this Act.
- (4) In relation to a country in respect of which an Order in Council has been made under subsection (3) of section twenty-six of the Act of 1911 (which relates to countries therein referred to as self-governing dominions to which that Act does not extend), the preceding provisions of this paragraph shall apply as they apply in relation to a foreign country, with the substitution, for references to section twenty-nine of the Act of 1911, of references to the said subsection (3).
- 41 In so far as the Act of 1911 or any Order in Council made thereunder forms part of the law of any country other than the United Kingdom, at a time after that Act has been wholly or partly repealed in the law of the United Kingdom, it shall, so long as it forms part of the law of that country, be construed and have effect as if that Act had not been so repealed.
- 42 The mention of any particular matter in the preceding provisions of this Schedule with regard to the repeal of any of the provisions of the Act of 1911 shall not affect the general application to this Act of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals), either in relation to the Act of 1911 or to any other enactment repealed by this Act
- 43 For the purposes of the application, by virtue of any of the preceding paragraphs of this Schedule, of any of the provisions set out in the Eighth Schedule to this Act,—
- (a) the expressions of which definitions are set out in paragraph 9 of that Schedule (being the definitions of those expressions in the Act of 1911) shall, notwithstanding anything in this Act, be construed in accordance with those definitions ; and
  - (b) where, for those purposes, any of those provisions is to be treated as if re-enacted in this Act, it shall be treated as if it had been so re-enacted with the substitution, for the words “this Act ” , wherever the reference is to the passing or the commencement of the Act of 1911, of the words “the Copyright Act, 1911 ”.
- 44 Without prejudice to the operation of any of the preceding provisions of this Schedule—

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- (a) any enactment or other document referring to an enactment repealed by this Act shall be construed as referring (or as including a reference) to the corresponding enactment of this Act;
  - (b) any enactment or other document referring to copyright, or to works in which copyright subsists, if apart from this Act it would be construed as referring to copyright under the Act of 1911, or to works in which copyright subsists under that Act, shall be construed as referring (or as including a reference) to copyright under this Act, or, as the case may be, to works or any other subject-matter in which copyright subsists under this Act;
  - (c) any reference in an enactment or other document to the grant of an interest in copyright by licence shall be construed, in relation to copyright under this Act, as a reference to the grant of a licence in respect of that copyright.
- 45 (1) Except in so far as it is otherwise expressly provided in this Schedule, the provisions of this Act apply in relation to things existing at the commencement of those provisions as they apply in relation to things coming into existence thereafter.
- (2) For the purposes of any reference in this Schedule to works, sound recordings or cinematograph films made before the commencement of a provision of this Act, a work, recording or film, the making of which extended over a period, shall not be taken to have been so made unless the making of it was completed before the commencement of that provision.
- 46 (1) Any reference in this Schedule to a numbered section shall, unless the reference is to a section of a specified Act, be construed as a reference to the section bearing that number in this Act.
- (2) Any reference in this Schedule to the commencement of a provision of this Act is a reference to the date on which that provision comes into operation as part of the law of the United Kingdom.
- 47 (1) In this Schedule “photograph ” has the meaning assigned to it in the definition set out in paragraph 9 of the Eighth Schedule to this Act, and not the meaning assigned to it by section forty-eight.
- (2) In this Schedule “the Act of 1911” means the Copyright Act, 1911.