

2003 No. 1517

COPYRIGHT

The Copyright (Bermuda) Order 2003

Made - - - - 12th June 2003

Coming into force in accordance with Article 1.

At the Court at Buckingham Palace, the 12th day of June 2003

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 157(2) of the Copyright, Designs and Patents Act 1988(a) and all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as the Copyright (Bermuda) Order 2003 and shall come into force on such date as the Governor of Bermuda may appoint by proclamation published in the Gazette of Bermuda.
2. The provisions of the Copyright, Designs and Patents Act 1988 specified in Part I of the Schedule hereto shall extend to Bermuda subject to the modifications specified in Parts II and III of that Schedule.
3. The Copyright (Bermuda) Order 1962(b) is revoked.

A.K. Galloway
Clerk of the Privy Council

(a) 1988 c.48, amended by 1989 c.40, 1990 c.19, 1990 c.41, 1990 c.42, 1992 c.12, 1992 c.53, 1993 c.8, 1993 c.10, 1993 c.50, 1994 c.26, 1994 c.33, 1995 c.21, 1995 c.32, 1995 c.40, 1996 c.23, 1996 c.55, 1996 c.56, 1997 c.46, 1998 c.9, 1998 c.38, 1998 c.46, 1998 c.47, 2000 c.6, 2001 c.15, 2002 c.25, 2002 c.33, 2002 c.40 and S.I. 1990/1504, 1991/194, 1991/724, 1992/3233, 1994/2795, 1995/1445, 1995/3297, 1996/2967, 1997/3032, 1999/506, 1999/1820, 1999/2795, 2000/90, 2000/311, 2000/1175, 2001/3949.

(b) S.I. 1962/1642,

SCHEDULE

PART I

Provisions of the Copyright, Designs and Patents Act 1988 extended to Bermuda

All the provisions of Part I of the Copyright, Designs and Patents Act 1988, except sections 73A, 98, 114B, 144, 144A, 157, 158, 166A, 166B and 172A and paragraphs 13, 21, 34, 36 and 37 of Schedule I.

PART II

Modifications to the provisions of Part I as extended

The provisions mentioned in the first column in the following table shall be modified in the manner specified in the second column.

<i>Provision</i>	<i>Modification</i>
Section 6A	In subsection (1), (2) and (3), for “an EEA State” there is substituted “Bermuda”. In subsection (3)(b), for “the European Economic Area” there is substituted “Bermuda”.
Section 7	In subsection (3), for “Secretary of State” there is substituted “Minister”. In subsection (4), for “House of Parliament” there is substituted “House of the Legislature”.
Section 12	In subsection (6)— (a) for “an EEA state” there is substituted “Bermuda”; (b) for “is not a national of an EEA state” there is substituted “does not possess Bermudian status”. In subsection (8)(c) for “being a national of an EEA state” there is substituted “possessing Bermudian status”.
Section 13A	In subsection (4), for “is not a national of an EEA state” there is substituted “does not possess Bermudian status”. In subsection (5), for “the United Kingdom” there is substituted “Bermuda”.
Section 13B	In subsection (7)— (a) for “an EEA state” there is substituted “Bermuda”; (b) for “is not a national of an EEA state” there is substituted “does not possess Bermudian status”. In subsection (8) for “being a national of an EEA state” there is substituted “possessing Bermudian status”.
Section 14	In subsection (3), for “is not a national of an EEA state” there is substituted “does not possess Bermudian status”. In subsection (4), for “the United Kingdom” there is substituted “Bermuda”.
Section 15A	In subsections (4)(a) and (b), for “an EEA state” there is substituted “Bermuda”.
Section 16	In subsection (1), for “the United Kingdom” there is substituted “Bermuda”.
Section 18	In subsections (2)(a) and (b), for “the EEA” there is substituted “Bermuda”. In subsection (3)—

<i>Provision</i>	<i>Modification</i>
	(a) for “the United Kingdom or another EEA state” there is substituted “Bermuda”;
	(b) for “the EEA” there is substituted “Bermuda”.
Section 22	For “the United Kingdom” there is substituted “Bermuda”.
Section 24	In subsection (1)(b) and (2), for “the United Kingdom” there is substituted “Bermuda”.
Section 27	In subsection (3) for “the United Kingdom” where it occurs there is substituted “Bermuda”.
	There is omitted subsection (5).
Section 31C	In subsection (8)(b), for “Secretary of State” there is substituted “Minister”.
Section 31D	In subsection (1)(c), for “Secretary of State” there is substituted “Minister”.
Section 31E	In subsections (1), (4) and (5), for “Secretary of State” where it occurs there is substituted “Minister”.
Section 31F	In subsection (10), for “Secretary of State” there is substituted “Minister”.
	In subsection (11)—
	(a) there is omitted “by statutory instrument”;
	(b) for “House of Parliament” there is substituted “House of the Legislature”.
Section 37	In subsection (1)(a), for “Secretary of State” there is substituted “Minister”.
	For subsection (5) there is substituted—
	“(5) Regulations made under this section shall be subject to annulment in pursuance of a resolution of either House of the Legislature.”.
Section 40A	There is omitted subsection (1).
	For subsection (2) there is substituted—
	“(2) Copyright in a work of any description is not infringed by the lending of copies of the work by a prescribed library or archive which is not conducted for profit.”.
Section 44	For “the United Kingdom” there is substituted “Bermuda”.
Section 46	There is omitted “Royal” where it occurs in the section.
	In subsection (4), there is omitted the definition of “Royal Commission”.
Section 47	In subsections (4) and (5), for “Secretary of State” there is substituted “Minister”.
	In subsection (5)(a)(ii), for “the United Kingdom” there is substituted “Bermuda”.
	For subsection (7) there is substituted—
	“(7) An order made under this section shall be subject to annulment in pursuance of a resolution of either House of the Legislature.”.
Section 48	There is omitted subsection (6).
Section 49	For the section there is substituted—

<i>Provision</i>	<i>Modification</i>
------------------	---------------------

“Public Records

49. Material which is comprised in public records which are open to public inspection in pursuance of any enactment may be copied and a copy may be supplied to any person, by or with the authority of any officer appointed under that enactment, without infringement of the copyright.”

Section 50	In subsection (1), for “Act of Parliament” there is substituted “Act”. There is omitted subsection (2).
Section 50A	In subsection (3), there is omitted “(such terms being, by virtue of section 296A, void.)”.
Section 50B	In subsection (4), there is omitted “(such terms being, by virtue of section 296A, void.)”.
Section 50D	In subsection (2), there is omitted “(such terms being, by virtue of section 296B, void.)”.
Section 52	In subsection (1)(b), for “the United Kingdom” there is substituted “Bermuda”. In subsection (4), for “Secretary of State” there is substituted “Minister”. For subsection (5), there is substituted— “(5) An order made under this section shall be subject to annulment in pursuance of a resolution of either House of the Legislature.”.
Section 53	In subsection (1)— (a) for “Registered Designs Act 1949” in paragraph (a), there is substituted “Patents and Designs Act 1930”; (b) for “1949” in the tailpiece, there is substituted “1930”. In subsection (2), for “1949” there is substituted “1930”.
Section 55	In subsection (3), for “the United Kingdom” there is substituted “Bermuda”.
Section 61	In subsections (5)(a) and (b), for “Secretary of State” where it occurs there is substituted “Minister”. For subsection (6), there is substituted— “(6) An order made under this section shall be subject to annulment in pursuance of a resolution of either House of the Legislature.”.
Section 66	In subsection (1), for “Secretary of State” there is substituted “Minister”. For subsection (4), there is substituted— “(4) No order shall be made unless a draft of it has been laid before and approved by a resolution of each House of the Legislature.”.
Section 69	For the section there is substituted—

“Recording for purposes of supervision and control of broadcasts and cable programmes

69.—(1) Copyright is not infringed by the making or use by a prescribed broadcasting undertaking, for the purpose of maintaining supervision and control over programmes broadcast by that undertaking, of recordings of those programmes.

<i>Provision</i>	<i>Modification</i>
	<p>(2) Copyright is not infringed by the making or use by the Broadcasting Commissioners of recordings of programmes in connection with and for the purpose of carrying out their functions under the Broadcasting Commissioners Act 1953.</p> <p>(3) In this section “prescribed” means prescribed by order of the Minister.</p> <p>(4) An order made under this section shall be subject to annulment in pursuance of a resolution of either House of the Legislature.”.</p>
Section 73	<p>For subsections (1) and (2) there are substituted—</p> <p>“(1) This section applies where a broadcast made from a place in Bermuda is, by reception and immediate re-transmission, included in a cable programme service.</p> <p>(2) The copyright in the broadcast and in any work included in the broadcast is not infringed if the inclusion is in pursuance of a relevant requirement.”.</p> <p>There is omitted sub-section (3).</p> <p>For subsection (4) there is substituted—</p> <p>“(4) In this section “relevant requirement” means a requirement under regulations made pursuant to section 59 of the Telecommunications Act 1986 regulating the provision of cable television service in Bermuda.”.</p> <p>There are omitted subsections (5) to (12).</p>
Section 74	<p>In subsection (2), for “Secretary of State” there is substituted “Minister”.</p> <p>For subsection (3), there is substituted—</p> <p>“(3) An order made under this section shall be subject to annulment in pursuance of a resolution of either House of the Legislature.”.</p>
Section 75	<p>For subsection (3), there is substituted—</p> <p>“(3) An order made under this section shall be subject to annulment in pursuance of a resolution of either House of the Legislature.”.</p>
Section 79	<p>In subsection (3)(b), for “section 9(2)(a)” there is substituted “section 9(2)(ab)”.</p> <p>In subsection (4)(e), there is omitted “Royal”.</p>
Section 81	<p>In subsection (6)—</p> <p>(a) in paragraph (a), there is inserted “or” at the end thereof;</p> <p>(b) in paragraph (b), there is omitted “or” from the end thereof;</p> <p>(c) there is omitted paragraph (c).</p>
Section 82	<p>In subsection (1)(a), for “section 9(2)(a)” there is substituted “section 9(2)(ab)”.</p>
Section 85	<p>In subsection (2)(c), there is omitted “Royal”.</p>
Section 100	<p>In subsection (2), for “a local police station” there is substituted “the Commissioner of Police”.</p> <p>For subsection (6), there is substituted—</p>

<i>Provision</i>	<i>Modification</i>
	“(6) An order made under this section shall be subject to annulment in pursuance of a resolution of either House of the Legislature.”.
Section 107	<p>In subsection (1)(b), for “the United Kingdom” there is substituted “Bermuda”.</p> <p>In subsection (4)(a), for “the statutory maximum” there is substituted “Bermuda \$10,000”.</p> <p>In subsection (4)(b), for “a fine” there is substituted “a fine of Bermuda \$250,000”.</p> <p>In subsection (5), for “not exceeding level 5 on the standard scale” there is substituted “of Bermuda \$10,000”.</p>
Section 107A	<p>For the section there is substituted—</p> <p style="text-align: center;">“Enforcement by inspectors designated under the Consumer Protection Act 1999</p> <p style="text-align: center;">107A.—(1) It is the duty of every inspector designated under section 27 of the Consumer Protection Act 1999 to enforce the provisions of section 129.</p> <p style="text-align: center;">(2) The following provisions of the Consumer Protection Act 1999 apply in relation to the enforcement of that section by such inspector as they apply in relation to the enforcement of that Act—</p> <p style="text-align: center;">(a) section 28 (power to make test purchases, etc.);</p> <p style="text-align: center;">(b) section 29 (power to enter premises and to seize goods, etc.);</p> <p style="text-align: center;">(c) section 30 (offences connected to exercise of powers under section 29);</p> <p style="text-align: center;">(d) section 31 (notice of test);</p> <p style="text-align: center;">(e) section 32 (compensation);”.</p>
Section 108	<p>For subsection (2) there is substituted—</p> <p style="text-align: center;">“(2) For this purpose a person shall be treated as charged with an offence when he is orally charged or is served with a summons or indictment.”.</p> <p>In subsection (3), there are omitted “(or, in Scotland, the Lord Advocate or procurator fiscal”.</p> <p>For subsection (4) there is submitted—</p> <p style="text-align: center;">“(4) An appeal lies from an order made under this section by a magistrates’ court to the Supreme Court.”.</p> <p>For subsection (6) there is submitted—</p> <p style="text-align: center;">“(6) Nothing in this section affects the powers of the court as to forfeiture under the Criminal Code Act 1907 or any other enactment.”.</p>
Section 109	<p>For “constable” where it occurs there is substituted “police officer”.</p> <p>In subsection (1), for the words beginning with “a justice” and ending with “on oath” there is substituted “a magistrate is satisfied by information on oath given by a police officer”.</p> <p>There is omitted subsection (2).</p>
Section 111	<p>In subsection (1), for “Commissioners of Customs and Excise” there is substituted “Collector of Customs”.</p> <p>In subsection (1)(b), for “Commissioners” there is substituted “Collector of Customs”.</p>

<i>Provision</i>	<i>Modification</i>
	<p>In subsection (3)—</p> <p>(a) For “Commissioners of Customs and Excise” and “Commissioners” where they occur there is substituted “Collector of Customs”;</p> <p>(b) For “the United Kingdom” there is substituted “Bermuda”.</p> <p>For subsection (3A), (3B) and (4) there is substituted—</p> <p>“(3A) The Collector of Customs may treat as prohibited goods only infringing copies of works which arrive from outside Bermuda.</p> <p>(3B) This section does not apply to goods entered, or expected to be entered, for free circulation, export, re-export or for a suspensive procedure in respect of which an application may be made under regulations made under subsection (5).</p> <p>(4) Subject to subsections (3A) and (3B), when a notice is in force under this section the importation of goods to which the notice relates, otherwise than by a person for his private and domestic use, is prohibited; but a person is not by reason of the prohibition liable to any penalty other than forfeiture of the goods.”.</p> <p>There is inserted after subsection (4) the following subsections—</p> <p>“(5) The Minister may make regulations laying down measures to prohibit the release for free circulation, export, re-export or entry for a suspensive procedure of counterfeit and pirated goods.</p> <p>(6) Regulations shall not be made under this section unless a draft of the regulations has been laid before and approved by a resolution of each House of the Legislature.”.</p>
Section 112	<p>In subsection (1)—</p> <p>(a) For “Commissioners of Customs and Excise” where it occurs there is substituted “Minister of Finance”;</p> <p>(b) For “Commissioners” there is substituted “Collector of Customs”.</p> <p>In subsections (2) and (3), for “Commissioners” where it occurs there is substituted “Collector of Customs”.</p> <p>In subsection (4), for “House of Parliament” there is substituted “House of the Legislature”.</p> <p>There is omitted subsection (5).</p>
Section 113	<p>In subsection (2), for paragraph (a) there is substituted—</p> <p>“(a) is under a disability within the meaning of the Limitation Act 1984;”.</p> <p>There is omitted subsection (3).</p>
Section 114	<p>In subsection (6) for “section 15 of the Trade Marks Act 1994” there is substituted “section 7 of the Trade Marks Act 1974”.</p>
Section 114A	<p>In the section heading there is omitted “England and Wales or Northern Ireland”.</p> <p>In subsection (1) there is omitted “England and Wales or Northern Ireland”</p> <p>Subsection (2)(b) is omitted.</p> <p>In subsection (6)—</p> <p>(a) there is inserted “to the Supreme Court.” after “decision”;</p>

<i>Provision</i>	<i>Modification</i>
	(b) paragraphs (a) and (b) are omitted.
	In subsection (7) the words from “including” to the end are omitted.
Section 115	In the section heading, for “county court and sheriff court” there is substituted “magistrates’ court”.
	In subsection (1)—
	(a) for “England and Wales and Northern Ireland a county court” there is substituted “A magistrates’ court”;
	(b) there is substituted for the words from “save that” to the end, the words “where the value of the infringing copies and other articles in question does not exceed the magistrates’ court limit for actions in tort.”.
	There is omitted subsection (2).
	In subsection (3), for “the High Court or in Scotland, the Court of Session” there is substituted “Supreme Court”.
Section 116	In subsection (4) for “section 736 of the Companies Act 1985” there is substituted “section 86 of the Companies Act 1981”.
Section 134	In subsection (1), there is omitted “Subject to subsection (3A)”.
	There are omitted subsections (3) and (3A).
Section 135H	In subsection (1), for “Secretary of State” there is substituted “Minister”.
	For subsection (2), there is substituted—
	“(2) No order shall be made unless a draft of it has been laid before and approved by resolution of each House of the Legislature.”
Section 137	In subsections (2) to (5), for “Secretary of State” there is substituted “Minister”.
Section 138	In subsections (1) to (6), for “Secretary of State” there is substituted “Minister”.
Section 139	In subsection (2), for “Secretary of State” there is substituted “Minister”.
Section 140	In subsections (1) to (4), for “Secretary of State” there is substituted “Minister”.
	For subsection (6), there is substituted—
	“(6) Regulations made under this section shall be subject to annulment in pursuance of a resolution of either House of the Legislature.”
Section 141	In subsections (1) to (4), for “Secretary of State” there is substituted “Minister”.
	For subsection (8), there is substituted—
	“(2) An order made under this section shall be subject to annulment in pursuance of a resolution of either House of the Legislature.”
Section 143	In subsections (1), (4) and (5), for “Secretary of State” where it occurs there is substituted “Minister”.
	In subsection (2), for “The Minister shall by order made by statutory instrument” there is substituted “The Minister shall by order”.
	There is inserted after subsection (5)—

<i>Provision</i>	<i>Modification</i>
Section 145	<p>“(6) An order made under this section shall be subject to annulment in pursuance of a resolution of either House of the Legislature.”</p> <p>For the section there is substituted—</p> <p>“The Copyright Tribunal</p> <p>145.—(1) There shall be a Copyright Tribunal for Bermuda.</p> <p>(2) The Tribunal shall consist of a chairman, a deputy chairman and a panel of not less than six other members, appointed by the Minister after consultation with the Registrar-General.</p> <p>(3) A person is not eligible for appointment as chairman or deputy chairman unless—</p> <p>(a) he is a barrister and attorney of at least seven years standing or he has held judicial office; or</p> <p>(b) he has considerable experience of copyright matters.”.</p>
Section 146	<p>For the section there is substituted—</p> <p>“Membership of the Copyright Tribunal</p> <p>146.—(1) The members of the Copyright Tribunal shall hold and vacate office in accordance with their terms of appointment, subject to the following provisions.</p> <p>(2) The term of appointment of a member of the Tribunal shall not exceed 3 years, and may be renewed.</p> <p>(3) A member of the Tribunal may resign his office by notice in writing to the Minister.</p> <p>(4) The Minister may by notice in writing to the member concerned remove him from office if—</p> <p>(a) he has become bankrupt or made an arrangement with his creditors;</p> <p>(b) he is incapacitated by physical or mental illness; or</p> <p>(c) he is in the opinion of the Minister otherwise unable or unfit to perform his duties as member.</p> <p>(5) If a member of the Tribunal is by reason of illness, absence or other reasonable cause for the time being unable to perform the duties of his office, either generally or in relation to particular proceedings, a person may be appointed by the Minister to discharge his duties for a period not exceeding six months at one time or, as the case may be, in relation to those proceedings.”.</p>
Section 147	<p>There is omitted subsection (1).</p> <p>In subsection (2)—</p> <p>(a) for “Secretary of State” there is substituted “Minister”;</p> <p>(b) for “Treasury” there is substituted “Minister of Finance”.</p> <p>For subsection (3) there is substituted—</p> <p>“(3) The remuneration of any staff and such other expenses of the Tribunal as the Minister with the approval of the Minister of Finance may determine shall be paid out of money provided by the Legislature.”</p>

<i>Provision</i>	<i>Modification</i>
Section 148	<p>For the section there is substituted—</p> <p>“Constitution for purposes of proceedings</p> <p>148.—(1) For the purposes of any proceedings the Copyright Tribunal shall consist of—</p> <p>(a) a chairman, who shall be either the chairman or a deputy chairman of the Tribunal; and</p> <p>(b) two other members appointed by the Minister from the panel of members.</p> <p>(2) If the members of the Tribunal dealing with any matter are not unanimous, the decision shall be taken by majority vote; and if, in such a case, the votes are equal the chairman shall have a further, casting vote.</p> <p>(3) If the chairman is unable to continue, he shall appoint one of the remaining members to act as chairman.</p> <p>(4) The chairman may (where necessary) appoint a suitably qualified person to attend the proceedings and advise the members on any technical questions on copyright issues arising.</p> <p>(5) A person is suitably qualified for the purposes of subsection (4) if he is, or is eligible for appointment as chairman or deputy chairman of the Tribunal.”</p>
Section 149	There are omitted paragraphs (za) and (f).
Section 150	<p>For subsections (1) and (2), there is substituted—</p> <p>“(1) The Minister may make rules for regulating proceedings before the Copyright Tribunal and, with the approval of the minister of Finance, as to the fees chargeable in respect of such proceedings.</p> <p>(2) The rules may apply in relation to the Tribunal any of the provisions of the Arbitration Act 1986, and any provisions so applied shall be set out in or scheduled to the rules.”</p> <p>For subsection (5), there is substituted—</p> <p>“(5) Rules made under this section shall be subject to annulment in pursuance of a resolution of either House of the Legislature.”</p>
Section 151	There is omitted subsection (3).
Section 152	In subsection (1), for the words from “High Court or” to the end there is substituted “Supreme Court”.
Section 154	<p>For subsection (1) there is substituted—</p> <p>“(1) A work qualifies for copyright protection if at the material time the author—</p> <p>(a) possesses Bermudian status;</p> <p>(b) is an individual domiciled or resident in Bermuda; or</p> <p>(c) is a body incorporated under the law of Bermuda.”</p> <p>In subsection (2), for “to countries to which it does not extend” there is substituted “to foreign countries”.</p>
Section 155	<p>In subsection (1)—</p> <p>(a) there is inserted “in Bermuda” immediately after “published”;</p> <p>(b) there are omitted paragraphs (a) and (b).</p> <p>In subsection (2), for “countries to which it does not extend” there is substituted “foreign countries”.</p>

<i>Provision</i>	<i>Modification</i>
Section 156	<p>In subsection (1)—</p> <p>(a) there is inserted “Bermuda” immediately after “place in”;</p> <p>(b) there are omitted paragraphs (a) and (b).</p> <p>In subsection (2), for “countries to which it does not extend” there is substituted “foreign countries”.</p>
Section 159	<p>In subsection (1)—</p> <p>(a) for “countries to which it does not extend” in the section heading, there is substituted “foreign countries”;</p> <p>(b) for “Her Majesty may by Order in Council” there is substituted “the Minister may by order”;</p> <p>(c) for “country to which this Part does not extend” there is substituted “foreign country”;</p> <p>(d) for “are British citizens” in paragraph (a), there is substituted “possess Bermudian status”;</p> <p>(e) for “the United Kingdom” where it occurs there is substituted “Bermuda”;</p> <p>(f) for “a part of the United Kingdom”, there is substituted “Bermuda”;</p> <p>In subsection (3), for the words beginning with “or another” and ending with “in Council” there is substituted “the Minister shall not make an order”.</p> <p>In subsection (4), for “the United Kingdom” there is substituted “Bermuda”.</p> <p>For subsection (5) there is substituted—</p> <p style="padding-left: 40px;">“(5) An order made under this section shall be subject to annulment in pursuance of a resolution of either House of the Legislature.”</p>
Section 160	<p>In subsection (1)—</p> <p>(a) for “Her Majesty”, where it occurs there is substituted “the Minister”;</p> <p>(b) for “British” there is substituted “Bermudian”;</p> <p>(c) for “Her Majesty may make provision by Order in Council” there is substituted “the Minister may make provision by order”.</p> <p>In subsection (2)—</p> <p>(a) for “Order in Council” there is substituted “order”;</p> <p>(b) for the words beginning with “the United Kingdom” and ending with “extend” in paragraph (a), there is substituted “Bermuda”.</p> <p>In subsection (3) for “British works” there is substituted “Bermudian works”.</p> <p>In subsection (4), there is substituted—</p> <p style="padding-left: 40px;">“(4) An order made under this section shall be subject to annulment in pursuance of a resolution of either House of the Legislature.”</p>
Section 161	<p>For the section there is substituted—</p> <p style="text-align: center;">“Territorial Waters</p> <p style="padding-left: 40px;">161. For the purposes of this Part, the territorial waters of Bermuda shall be treated as part of Bermuda.”.</p>

<i>Provision</i>	<i>Modification</i>
Section 162	<p>For the section there is substituted—</p> <p style="text-align: center;">“Bermuda ships and aircraft</p> <p>162.—(1) This Part applies to things done on a Bermuda ship or aircraft as it applies to things done in Bermuda.</p> <p>(2) In this section “Bermuda ship” and “Bermuda aircraft” mean, respectively, a ship or an aircraft registered in Bermuda.</p>
Section 163	There is omitted subsection (1A).
Section 164	<p>There is omitted “and Measures” in the section heading.</p> <p>For subsection (1) there is substituted—</p> <p style="padding-left: 40px;">“(1) Her Majesty is entitled to copyright in every Act of the Legislature.”</p> <p>In subsection (2)—</p> <p>(a) for “Royal Assent” where it first occurs, there is substituted “Governor’s Assent”;</p> <p>(b) for “Royal Assent” where it next occurs there is substituted “the Assent”;</p> <p>In subsection (4) there is omitted “or Measure”.</p>
Section 165	<p>In subsections (1), (4) and (5), for “the House of Commons or the House of Lords” where it occurs there is substituted “the Senate or the House of Assembly”.</p> <p>There are omitted subsections (7) and (8).</p>
Section 166	<p>In the section heading, there is omitted “Parliamentary”.</p> <p>In subsection (1), for “Parliament” where it occurs, there is substituted “the Legislature”.</p> <p>There is omitted subsection (4).</p> <p>In subsection (5)—</p> <p>(a) for “Royal Assent” where it occurs in paragraphs (a) and (b), there is substituted “Governor’s Assent”.</p> <p>(b) for the provision there is substituted “Provided that, copyright in a Bill continues to subsist notwithstanding its rejection in any session by the Senate if, by virtue of section 38 of the Constitution of Bermuda, it remains possible for it to be presented for the Governor’s Assent in that session.”.</p>
Section 167	<p>In the section heading for “Houses of Parliament” there is substituted “the Legislation”.</p> <p>In subsection (1), for “House of Parliament” there is substituted “House of the Legislature”.</p> <p>In subsection (2)—</p> <p>(a) for “House of Commons” there is substituted “House of Assembly”;</p> <p>(b) for “Chairman of Ways and Means or a Deputy Chairman” there is substituted “Deputy Speaker”.</p> <p>For subsections (3) and (4) there are substituted—</p> <p style="padding-left: 40px;">“(3) The functions of the Senate as owner of copyright shall be exercised by the President of the Senate on behalf of the Senate; and if so authorised by him, or in case of a vacancy in the office of the President, those functions may be discharged by the Vice President.</p>

<i>Provision</i>	<i>Modification</i>
	<p>(4) For this purpose a person who on the dissolution of the Legislature was Speaker or Deputy Speaker of the House of Assembly, or President or Vice President of the Senate may continue to act until the corresponding appointment is made in the next Session of the Legislature.”.</p> <p>In subsection (5)—</p> <p>(a) for “House of Commons” where it occurs in paragraph (a) there is substituted “House of Assembly”;</p> <p>(b) for “House of Lords in the name of ‘The Clerk of the Parliaments’” in paragraph (b), there is substituted “Senate in the name of the ‘President of the Senate’”.</p>
Section 168	<p>In subsection (2), for “Her Majesty has by Order in Council” there is substituted “the Minister has by order”.</p> <p>In subsection (3)—</p> <p>(a) for “Her Majesty by Order in Council” there is substituted “the Minister by order”.</p> <p>(b) for “the United Kingdom” there is substituted “Bermuda”.</p> <p>For subsection (5), there is substituted—</p> <p>“(5) An order made under this section shall be subject to annulment in pursuance of a resolution of either House of the Legislature.”.</p>
Section 169	<p>In subsection (1), for “the United Kingdom” there is substituted “Bermuda”.</p> <p>For subsection (2), for “Her Majesty may by Order in Council” there is substituted “the Minister may by order”.</p> <p>In subsection (3), for “the United Kingdom” there is substituted “Bermuda”.</p> <p>For subsection (4) there is substituted—</p> <p>“(4) An order made under this section shall be subject to annulment in pursuance of a resolution of either House of the Legislature.”.</p>
Section 171	<p>In subsection (1)(d), there is omitted “and excise”.</p> <p>In subsection (5), there is omitted “, Measures”.</p>
Section 172	<p>There is inserted at the end of subsection (1) “(as extended to Bermuda by the Copyright (Bermuda) Order 1962.”.</p>
Section 174	<p>In subsection (1)(a), there is inserted at the end “within the meaning of the Education Act 1996”.</p> <p>In subsection (1)(b), for “Secretary of State” there is substituted “Minister”.</p> <p>There are omitted subsections (2) and (3).</p> <p>For subsection (7) there is substituted—</p> <p>“(7) An order made under this section shall be subject to annulment in pursuance of a resolution of either House of the Legislature.”.</p>
Section 178	<p>There are omitted the definitions of “parliamentary proceedings” and “public library”.</p> <p>For the definition of “the Crown” there is substituted “‘the Crown’ means the Crown in right of Her Majesty’s Government in Bermuda;”.</p>

<i>Provision</i>	<i>Modification</i>
	<p>There are inserted the following definitions in their appropriate alphabetical place—</p> <p>“Bermudian status” has the meaning given in the Bermuda Immigration and Protection Act 1956;</p> <p>“House of the Legislature” means the Senate or the House of Assembly;</p> <p>“Legislature” means the Legislature of Bermuda;</p> <p>“Minister” means the Minister responsible for matters relating to intellectual property.</p>
Section 179	There are omitted from the index the expressions “EEA, EEA national and EEA state”; “parliamentary proceedings” and “public library”.

PART III

Modifications to the provisions of Schedule I as extended

The provisions mentioned in the first column in the following table shall be modified in the manner specified in the second column.

Paragraph 1	<p>In subparagraph (1)—</p> <p>(a) there is inserted “as applied in Bermuda” at the end of the definitions of the “1911 Act” and the “1956 Act”;</p> <p>(b) there are omitted the words from “and Schedule 3” to the end, in the definitions of “the new copyright provisions”.</p>
Paragraph 5	In subparagraph (2)(b), for “countries to which it does not extend” there is substituted “foreign countries”.
Paragraph 6	<p>In subparagraph (1), for “Registered Designs Act 1949” there is substituted “Patents and Registered Designs Act 1930”.</p> <p>In subparagraph (2)(a), the words from “as defined” to the end are omitted.</p> <p>After subparagraph (2) there is inserted—</p> <p>“(3) In subparagraph (2)(a) “set articles” means a number of articles of the same general character ordinarily on sale or intended to be used together, to each of which the same design, or the same design with modifications or variations not sufficient to alter the character or substantially to affect the identity thereof, is applied.”</p>
Paragraph 12	<p>In subparagraph (3)—</p> <p>(a) for “section 12(2)” in sub-subparagraph (b) there is substituted “section 12(3)”;</p> <p>(b) for “section 12(1)” and “50 years” in the tailpiece there is substituted “section 12(2)” and “70 years” respectively.</p>
Paragraph 14	<p>In subparagraph (3), for “the United Kingdom” there is substituted “Bermuda”.</p> <p>In subparagraph (5), for “subsection (3)” there is substituted “subsection (2)”.</p>
Paragraph 15	There is omitted subparagraph (2)(b).
Paragraph 19	There are omitted subparagraphs (2) to (6).
Paragraph 23	There is omitted subparagraph (4).
Paragraph 28	In subparagraph (1), there is omitted the words from “or grant” to the end.

Paragraph 38	There is omitted “in the United Kingdom section of the Continental shelf”.
Paragraph 39	For “British ships, aircraft and hovercraft” there is substituted “Bermuda ships and aircraft”.
Paragraph 40	In subparagraph (1)(b), there is omitted “Measures”.
Paragraph 42	For the paragraph there is substituted— “Section 164 (copyright in Acts) applies to existing Acts of the Legislature”.
Paragraph 43	In subparagraph (2)— (a) there is omitted “Parliamentary”; (b) for “Parliament” there is substituted “the Legislature”. There is omitted subparagraph (2)(c).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends to Bermuda with modification the copyright provisions contained in Part I of the Copyright, Designs and Patents Act 1988 and revokes the Copyright (Bermuda) Order 1962.

£3.00

© Crown copyright 2003

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo,
Controller of Her Majesty's Stationery Office and Queen's Printer of
Acts of Parliament

E0852 6/03 ON (MFK)