
EXPLANATORY NOTE

(This note is not part of the Order)

This Order modifies the provisions of section 165 of the Copyright, Designs and Patents Act 1988 (Parliamentary copyright), so that its provisions apply with modifications to works made by or under the direction or control of the National Assembly for Wales.

By virtue of subsection (7) of section 165 of the Copyright, Designs and Patents Act 1988 (“the Act”), the provisions of that section apply not only in respect of works made by or under the direction or control of the House of Commons or the House of Lords, but also, subject to any exceptions or modifications specified by Order in Council, to works made by or under the direction or control of any other legislative body of a country to which Part I of the Act extends. Part I of the Act extends to Wales. By virtue of Part III of the Government of Wales Act 2006, the National Assembly for Wales has legislative powers.

The effect of this Order is that when section 165 is applied to works made by or under the direction or control of the National Assembly for Wales, that section is to be read as if—

subsections (1) and (4) were substituted with the subsections (1) and (4) set out in Article 2 of this Order,

subsection (4A) (also set out in Article 2) were inserted, and

the reference in subsection (5) to “the House of Commons or the House of Lords” were a reference to “the National Assembly for Wales”.

As a result, the National Assembly for Wales Commission is the first owner of any copyright in works made by or under the direction or control of the National Assembly for Wales.

In addition, works made in their course of their duties by—

the Presiding Officer and the Deputy Presiding Officer of the National Assembly for Wales,

members of the National Assembly for Wales Commission, and

members of the staff of the Assembly,

are works made by or under the direction or control of the National Assembly for Wales for the purposes of section 165.