

2015 No. 641 (C. 36)

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**The Enterprise and Regulatory Reform Act 2013
(Commencement No. 8 and Saving Provisions) Order 2015**

Made - - - - *10th March 2015*

The Secretary of State, in exercise of the powers conferred by sections 100 and 103(3) and (4) of the Enterprise and Regulatory Reform Act 2013(a), makes the following Order:

Citation

1. This Order may be cited as the Enterprise and Regulatory Reform Act 2013 (Commencement No. 8 and Saving Provisions) Order 2015.

Day appointed for the coming into force of section 74

2. The day appointed for the coming into force of section 74 of the Enterprise and Regulatory Reform Act 2013 is 6th April 2020 (“the commencement date”).

Saving provisions – articles made in, or imported into, the United Kingdom

3.—(1) The amendments to the Copyright, Designs and Patents Act 1988(b) (“the 1988 Act”) made by section 74 of the Enterprise and Regulatory Reform Act 2013 do not apply in relation to—

- (a) a copy of an artistic work(c) made in the United Kingdom before the commencement date where the making of the copy does not by virtue of section 52 of the 1988 Act infringe copyright in the artistic work; or
- (b) a copy of an artistic work imported into the United Kingdom before the commencement date where at the date of its importation its making in the United Kingdom would not by virtue of section 52 of the 1988 Act have constituted an infringement of copyright in the artistic work or a breach of an exclusive licence agreement relating to that work.

(2) Expressions used in this article have the same meaning as in the 1988 Act.

10th March 2015
Parliamentary Under Secretary of State for Business, Innovation and Skills
Department for Business, Innovation & Skills
Neville-Rolfe

(a) 2013 c.24.
(b) 1988 c.48.
(c) See section 4 of the Copyright, Designs and Patents Act 1988 for the meaning of “artistic work”.

EXPLANATORY NOTE

(This note is not part of the Order)

This is the eighth Commencement Order made under the Enterprise and Regulatory Reform Act 2013 (c.24) (“the Act”).

This Order brings into force section 74 of the Act which repeals section 52 of the Copyright, Designs and Patents Act 1988. Section 52 introduced a copyright exception into United Kingdom law relating to the industrial exploitation of artistic works which limits copyright protection to a period of 25 years from the end of the year in which such articles are first marketed.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force by commencement orders made before the date of this Order:

Provision	Date of Commencement	S.I. No.
Section 7(1)	6th April 2014	2014/253
Section 7(2) (partially)	6th March 2014	2014/253
Section 7(2) (remainder)	6th April 2014	2014/253
Sections 8 and 9	6th April 2014	2014/253
Section 14	29th July 2013	2013/1648
Section 15(10)	29th July 2013	2013/1648
Section 16	6th April 2014	2014/253
Section 19	25th June 2013	2013/1455
Section 23	29th July 2013	2013/1648
Section 25(1) and (2)	1st October 2013	2013/2227
Section 25(3)	1st April 2014	2014/416
Section 25(4)	1st October 2013	2013/2227
Section 26	1st April 2014	2014/416
Section 27	1st October 2013	2013/2227
Sections 29 to 51	1st April 2014	2014/416
Sections 54 to 58	1st April 2014	2014/416
Sections 60 and 61	6th April 2014	2014/416
Section 63 (partially)	25th June 2013	2013/1455
Section 63 (partially)	1st October 2013	2013/2227
Section 63 (partially)	6th April 2014	2014/416
Section 65	1st October 2013	2013/2227
Section 66	6th April 2014	2014/416
Sections 67 to 70	1st October 2013	2013/2227
Section 72(1)	25th June 2013	2013/1455
Section 72(2) and (3)	16th December 2013	2013/2979
Section 72(4) (partially)	25th June 2013	2013/1455
Section 72(4) (partially)	1st October 2013	2013/1455
Section 72(4) (partially, in relation to England only)(4)	1st October 2013	2013/1455(a)
Section 72(4) (partially, in relation to England only)	16th December 2013	2013/2979
Section 72(4) (partially)	16th December 2013	2013/2979

(a) S.I. 2013/1455 (C. 55) was amended by S.I. 2013/2271 (C. 94) in relation to the commencement of this provision.

Section 72(4) (partially, in relation to England only)	31st December 2014	2013/2979(a)
Section 72(4) (partially in relation to Scotland)	15th September 2014	2014/2481
Section 73 (partially)	1st October 2013	2013/2227
Sections 79 to 82	1st October 2013	2013/2227
Section 90(7)	1st October 2013	2013/2227
Schedule 1, paragraphs 2 and 3	6th March 2014	2014/253
Schedule 1 (remainder)	6th April 2014	2014/253
Schedules 2 and 3	6th April 2014	2014/253
Schedule 4, paragraphs 1 to 18, 20 to 28, 29(1), 31, 32, 34, 35, 51 (partially), 52 (partially), 53 (partially), 59, 60, 61(1) to (4), and 62 to 65	1st October 2013	2013/2227
Schedule 4 (remainder)	1st April 2014	2014/416
Schedules 5 to 13	1st April 2014	2014/416
Schedule 14 (paragraphs 1 to 19 and 23 to 29)	1st April 2014	2014/416
Schedule 15	1st April 2014	2014/416
Schedule 16	6th April 2014	2014/416
In Schedule 17—		
Paragraphs 1 to 6	1st October 2013	2013/2227
Paragraph 9	25th June 2013	2013/1455
Paragraph 10	1st October 2013	2013/2227
Paragraph 11	6th April 2014	2014/416
Paragraphs 12 and 13	1st October 2013	2013/2227
Paragraphs 14 to 19	6th April 2014	2014/416
Paragraph 20	25th June 2013	2013/1455
In Schedule 20—		
Paragraph 1	1st October 2013	2013/1455
Paragraph 2 (partially)	25th June 2013	2013/1455
Paragraph 2 (partially in relation to England only)	1st October 2013	2013/1455
Paragraph 2 (partially in relation to England only)	16th December 2013	2013/2979
Paragraph 2 (partially)	16th December 2013	2013/2979
Paragraph 2 (partially in relation to England only)	31st March 2014	2013/2979
Paragraph 2 (partially in relation to Scotland)	15th September 2014	2014/2841
Schedule 21, paragraph 5	1st October 2013	2013/2227

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(a) S.I. 2013/2979 (C. 122) was amended by S.I. 2014/824 (C. 33) and S.I./2481 in relation to the commencement of this provision.

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