

STATUTORY INSTRUMENTS

2019 No. 605

The Intellectual Property (Copyright and Related Rights) (Amendment) (EU Exit) Regulations 2019

PART 2

Amendments to the Copyright, Designs and Patents Act 1988

Amendments to the Copyright, Designs and Patents Act 1988

2. The Copyright, Designs and Patents Act 1988 ^{M1} is amended in accordance with this Part.

Commencement Information

- I1** Reg. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

- M1** [1988 c.48](#).

3. In section 6A (safeguards in case of certain satellite broadcasts) ^{M2}—
- (a) for “an EEA State”, in each place it occurs, substitute “ the United Kingdom ”;
 - (b) in subsection (2)(a), for “that place” substitute “ the United Kingdom ”;
 - (c) in subsection (3)(b), for “the place in which he has his principal establishment in the European Economic Area” substitute “ the United Kingdom ”.

Commencement Information

- I2** Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

- M2** Section 6A was inserted by [S.I. 1996/2967](#), amended by [S.I. 2003/2498](#).

4. In section 12(6) and (8)(c) (duration of copyright in literary, dramatic, musical or artistic works) ^{M3}, for “an EEA state”, in each place it occurs, substitute “ the United Kingdom ”.

Commencement Information

I3 Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

Marginal Citations

M3 Section 12 was substituted by S.I. 1995/3297, amended by the Government of Wales Act 2006 (c.32), section 160(1), Schedule 10, paragraphs 22,23, S.I. 2003/2498, S.I. 2013/1782.

5. In section 13A(4) (duration of copyright in sound recordings)^{M4}, for “an EEA state” substitute “the United Kingdom”.

Commencement Information

I4 Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

Marginal Citations

M4 Section 13A was substituted by S.I. 1995/3297, amended by S.I. 2003/2498, S.I. 2013/1782.

6. In section 13B(7) and (8) (duration of copyright in films)^{M5}, for “an EEA state”, in each place it occurs, substitute “the United Kingdom”.

Commencement Information

I5 Reg. 6 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

Marginal Citations

M5 Section 13B was substituted by S.I. 1995/3297, amended by S.I. 2003/2498.

7. In section 14(3) (duration of copyright in broadcasts)^{M6}, for “an EEA state” substitute “the United Kingdom”.

Commencement Information

I6 Reg. 7 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

Marginal Citations

M6 Section 14 was substituted by S.I. 1995/3297, amended by S.I. 2003/2498.

8. In section 15A(4) (meaning of country of origin)^{M7}—
 (a) for sub-paragraph (a) substitute—

- “(a) if the United Kingdom is one of those countries, the country of origin is the United Kingdom; and”;
- (b) in sub-paragraph (b), for “if none of those countries is an EEA state” substitute “ if the United Kingdom is not one of those countries ”.

Commencement Information

I7 Reg. 8 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

M7 Section 15A was inserted by [S.I. 1995/3297](#).

- 9.** In section 31B(1) and (9) (making and supply of accessible copies by authorised bodies) ^{M8} omit “or another member State of the European Union” in each place it occurs.

Commencement Information

I8 Reg. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

M8 Section 31B was amended by [S.I. 2018/995, regulation 5](#).

- 10.** In section 31BB(4)(b) (accessible and intermediate copies: records and notification) ^{M9}, for “another” substitute “ a ”.

Commencement Information

I9 Reg. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

M9 Section 31BB was amended by [S.I. 2018/995, regulation 7](#).

- 11.** Omit section 44B (permitted uses of orphan works) ^{M10}.

Commencement Information

I10 Reg. 11 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

M10 Section 44B was inserted by [S.I. 2014/2861](#).

12. Omit section 76A (certain permitted uses of orphan works) ^{M11}.

Commencement Information

I11 Reg. 12 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

M11 Section 76A was inserted by [S.I. 2014/2861](#).

13. In section 144A(1) (collective exercise of certain rights in relation to cable re-transmission) ^{M12}, for “another” substitute “an”.

Commencement Information

I12 Reg. 13 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

M12 Section 144A was inserted by [S.I. 1996/2967](#), amended by [S.I. 2003/2498](#), [S.I. 2006/1028](#).

14. In section 154(1) (qualification by reference to author) ^{M13}—

- (a) in paragraph (a), omit “a national of another EEA state,”;
- (b) in paragraphs (b) and (c), omit “or another EEA state”.

Commencement Information

I13 Reg. 14 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

M13 Section 154 was amended by the [British Overseas Territories Act 2002 \(c.8\), section 2\(3\)](#), the [Intellectual Property Act 2014 \(c.18\), section 22\(1\)](#), [S.I. 1995/3297](#), [S.I. 2003/2498](#).

15. In section 155(1)(a) (qualification by reference to country of first publication) ^{M14} omit “another EEA state,”.

Commencement Information

I14 Reg. 15 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

M14 Section 155 was amended by the [Intellectual Property Act 2014 \(c.18\), section 22\(2\)](#).

16. In section 156(1)(a) (qualification by reference to place of transmission)^{M15} omit “another EEA state,”.

Commencement Information

I15 Reg. 16 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

M15 Section 156 was amended by the [Intellectual Property Act 2014 \(c.18\)](#), [section 22\(3\)](#), S.I. 2003/2498.

17. In section 170 (transitional provisions and savings)^{M16} omit subsection (3).

Commencement Information

I16 Reg. 17 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

M16 Section 170 was amended by the [Enterprise and Regulatory Reform Act 2013 \(c.24\)](#), [section 76](#).

18. In section 172A (meaning of EEA and related expressions)^{M17} omit subsection (2).

Commencement Information

I17 Reg. 18 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

M17 Section 172A was inserted by [S.I. 1995/3297](#), amended by [S.I. 1996/2967](#), [S.I. 2006/1028](#).

19. In section 178 (minor definitions)^{M18}, at the appropriate place insert—

““national of the United Kingdom” means—

- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas Citizen,
- (b) a person who under the British Nationality Act 1981 is a British subject,
- (c) a British protected person within the meaning of that Act, or
- (d) a body incorporated under the law of any part of the United Kingdom.”

Commencement Information

I18 Reg. 19 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

M18 Section 178 was amended by the Northern Ireland Act 1998 (c.47), section 99, **Schedule 13**, para 8(7), the Scotland Act 1998 (c.46), section 125(1), **Schedule 8**, para 25(7), the Government of Wales Act 2006 (c.32), section 160(1), **Schedule 10**, paras 22,29, S.I.1996/2967, S.I. 2003/2498.

20. In section 179 (index of defined expressions) ^{M19}—

- (a) in the entry for “the EEA, EEA state and national of an EEA state”, for “, EEA state and national of an EEA state” substitute “ and EEA state ”;
- (b) at the appropriate place insert—

“national of the United Kingdom section 178”.

Commencement Information

I19 Reg. 20 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

Marginal Citations

M19 Section 179 was amended by the Broadcasting Act 1990 (c.42), **section 175(3)**, the Northern Ireland Act 1998 (c.47), section 99, **Schedule 13**, paragraph 8(8), the Scotland Act 1998 (c.46), section 125, **Schedule 8**, para 25(8), the Copyright (Visually Impaired Persons) Act 2002 (c.33), **section 7(2)**, the Government of Wales Act 2006 (c.32), section 160(1), **Schedule 10**, paragraphs 22,30, S.I. 1992/3233, S.I. 1995/3297, S.I. 1996/2967, S.I. 1997/3032, S.I. 2003/2498, S.I. 2006/1028, S.I. 2014/1372, S.I. 2014/1384.

21. In section 191(4) (duration of rights) ^{M20}, for “an EEA state” substitute “ the United Kingdom ”.

Commencement Information

I20 Reg. 21 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

Marginal Citations

M20 Section 191 was amended by S.I. 1995/3297, S.I. 1996/2967, S.I. 2003/2498, S.I. 2006/18, S.I. 2013/1782.

22. In section 206(1) (qualifying countries, individuals and persons) ^{M21} omit paragraph (b).

Commencement Information

I21 Reg. 22 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

Marginal Citations

M21 Section 206 was amended by the [British Overseas Territories Act 2002 \(c.8\)](#), [section 2\(3\)](#), the [Intellectual Property Act 2014 \(c.18\)](#), [section 22\(5\)](#), (6), (7).

23. Omit Schedule ZA1 (certain permitted uses of orphan works) ^{M22}.

Commencement Information

I22 Reg. 23 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

M22 Schedule ZA1 was inserted by [S.I. 2014/2861](#).

24. In Schedule 1 (copyright: transitional provisions and savings) ^{M23}, in paragraph 6(1A), for “another” substitute “an”.

Commencement Information

I23 Reg. 24 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

M23 Schedule 1 was amended by the [British Overseas Territories Act 2002 \(c.8\)](#), [s1\(2\)](#), the [Enterprise and Regulatory Reform Act 2013 \(c.24\)](#), [s 74\(1\)](#), (3)(b), [S.I. 2003/2498](#), [S.I. 2006/1210](#).

25. In Schedule 2 (rights in performances: permitted acts) ^{M24}—

- (a) in paragraph 3B(1) omit “or another member State of the European Union”;
- (b) in paragraph 3B(8) omit “or in another member State of the European Union”;
- (c) in paragraph 3D(4)(b), for “another” substitute “a”.

Commencement Information

I24 Reg. 25 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

M24 Schedule 2 was amended by [S.I. 2018/995](#), [regulations 12 to 16](#).

Changes to legislation:

There are currently no known outstanding effects for the The Intellectual Property (Copyright and Related Rights) (Amendment) (EU Exit) Regulations 2019, PART 2.