1962 No. 2184

COPYRIGHT

The Copyright (Bahamas) Order 1962

Made - - - -	*2nd October* 1962
Laid before Parliament	*8th October* 1962
Coming into Operation	*11th October* 1962

At the Court at Balmoral, the 2nd day of October 1962

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by and with the advice of Her Privy Council, and by virtue of the authority conferred upon Her by section 31 of the Copyright Act 1956(a), and of all other powers enabling Her in that behalf, is pleased to direct, and it is hereby directed, as follows:—

1. The provisions of the Copyright Act 1956 specified in Part I of the First Schedule hereto shall extend to the Bahama Islands (hereinafter referred to as "the Bahamas") subject to the modifications specified in Part II of that Schedule.

2. The Copyright (International Conventions) Order 1957(b) as amended (c), the Copyright (International Conventions) (Argentina) Order 1958(d), the Copyright (International Organisations) Order 1957(e), as amended(f), and the Copyright (Broadcasting Organisations) Order 1961(g) (being Orders in Council made under Part V of the said Act) shall extend to the Bahamas subject to the relevant modifications specified in the Second Schedule hereto.

3. The Interpretation Act 1889(h) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

4. This Order may be cited as the Copyright (Bahamas) Order 1962 and shall come into operation on 11th October 1962.

W. G. Agnew.

(a) 4 & 5 Eliz. 2. c. 74. (b) S.I. 1957/1523 (1957 I, p. 474).
(c) S.I. 1958/1254, 2184, 1960/200, 1961/1496, 2461, 1962/397, 628, 1641, 2183 (1958 I, pp. 358, 360; 1960 I, p. 772; 1961 II, p. 3040. III, p. 4507; 1962 I, pp. 348, 631; II, p. 1907; III, p. 2962).
(d) S.I. 1958/135 (1958 I, p 361). (e) S.I. 1957/1524 (1957 I, p. 483).
(f) S.I. 1958/1052 (1958 I, p. 363). (g) S.I. 1961/2460 (1961 III, p. 4505).
(h) 52 & 53 Vict. c. 63.

FIRST SCHEDULE

PART I

Provisions of the Copyright Act 1956 extended to the Bahamas

All the provisions of the Copyright Act 1956 as amended by the Dramatic and Musical Performers' Protection Act 1958(a) and the Films Act 1960(b), except sections 10, 23 to 30, 32, 34, 35, 42 and 44 and the First, Fourth, and Fifth Schedules.

PART II

Modifications to the provisions extended

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

Provision	Modification
Section 7 ...	For the references to the Board of Trade there shall be substituted references to the Governor in Council.
Section 8 ...	In subsections (1) and (10), for " United Kingdom " there shall be substituted " Bahamas "; for subsection (3) there shall be substituted the following:— " (3) If at any time the Board of Trade by order made under this subsection in its operation in the law of the United Kingdom prescribe for the purposes of this section either generally or in relation to any one or more classes of records, any different rate of, or minimum amount of, royalty the provisions of this section shall be construed subject to the provisions of any such order as is for the time being in force."; in subsection (4), for paragraph (*a*) there shall be substituted the following:— " (*a*) the minimum amount of royalty shall be three farthings in respect of each of those works; and "; in subsection (11), for the references to the Board of Trade there shall be substituted references to the Governor in Council.
Section 12 ...	In subsection (6), for " United Kingdom " there shall be substituted " Bahamas ".
Section 13 ...	For subsection (3) there shall be substituted the following:— " (3) Copyright subsisting in a cinematograph film by virtue of this section shall continue to subsist until the film is published and thereafter until the end of the period of fifty years from the end of the calendar year which includes the date of its first publication and shall then expire, or, if copyright subsists in the film by virtue only of the last preceding subsection, it shall continue to subsist as from the date of first publication until the end of the period of fifty years from the end of the calendar year which includes that date and shall then expire."; in subsection (8), for " any such film as is mentioned in paragraph (*a*) of subsection (1) of section thirty-eight of the Films Act 1960 (which relates to newsreels) " there shall be substituted " any film consisting wholly or mainly of photographs which, at the time they were taken, were means of communicating news "; subsection (11) shall be omitted.
Section 15 ...	In subsection (4), for " Board of Trade " there shall be substituted " Governor in Council ".
Section 17 ...	There shall be inserted after subsection (4), the following subsection:— " (4A) No action in respect of an infringement of copyright shall be commenced after the expiration of a period of more than six years from the date at which the right of action accrued."; subsection (6) shall be omitted.

(a) 6 & 7 Eliz. 2. c. 44. (b) 8 & 9 Eliz. 2. c. 57.

Provision	Modification
Section 18 ...	In subsection (1), for the proviso there shall be substituted the following:— " Provided that where a cause of action in respect of the conversion or detention by any person of any such copy or plate has accrued under this subsection to the owner of the copyright, and notwithstanding that before he recovers possession of such copy or plate, a further conversion or detention takes place, the owner of the copyright shall not be entitled to any rights or remedies under this subsection in respect of anything done in relation to that copy or plate after the expiration of six years from the accrual of the cause of action in respect of the original conversion or detention."; subsection (4) shall be omitted.
Section 21 ...	In subsections (1) and (6), for " United Kingdom " there shall be substituted " Bahamas "; for subsection (10) there shall be substituted the following:— " (10) An appeal shall lie to the Supreme Court from any order made under the last preceding subsection by a court of summary jurisdiction.".
Section 22 ...	In subsection (1), for " the Commissioners of Customs and Excise (in this section referred to as " the Commissioners ") " there shall be substituted " the Comptroller of Customs " and for subsequent references in the section to the Commissioners there shall be substituted references to the said Comptroller; in subsections (2) and (3), for " United Kingdom " there shall be substituted " Bahamas "; in subsection (4), after " regulations ", where that word first occurs, there shall be inserted " subject to the approval of the Governor in Council "; for subsection (6) there shall be substituted the following:— " (6) Any fees paid in pursuance of regulations made under this section shall be treated as monies collected on account of the general revenue."; in subsection (7), for the references to the Customs and Excise Act 1952 there shall be substituted references to the Tariff Act 1959 of the Bahamas' Legislature.
Section 31 ...	Subsections (1) and (2) shall be omitted; in subsection (4), for " United Kingdom " there shall be substituted " Bahamas " and for " in a country " there shall be substituted " in the United Kingdom or in any country other than the Bahamas ".
Section 33 ...	For subsection (1) there shall be substituted the following:— " (1) An organisation to which this section applies is one declared to be such by an Order in Council made under this section as part of the law of the United Kingdom, which has been extended, in relation to that organisation, to the Bahamas.".
Section 37 ...	Subsection (4) shall be omitted.
Section 39 ...	In subsection (8), for " section 3 of the Crown Proceedings Act 1947 (which relates to infringements of industrial property by servants or agents of the Crown) " there shall be substituted " section 2 of the Petition of Right Act 1908 of the Bahamas Legislature ".

Provision	Modification
Section 40 ...	Subsection (3) shall be omitted; in subsection (4), for " either of the two last preceding subsections " there shall be substituted " the last preceding subsection " and " or the programme to be transmitted, as the case may be " shall be omitted; in subsection (5), the references to a work shall be omitted.
Section 41 ...	For subsection (7) there shall be substituted the following:— " (7) In this section— " school " means an institution for providing primary or secondary education or both primary and secondary education, being a school maintained by the Government of the Bahamas, an independent school or a school in respect of which grants are made by the said Government to the proprietors of the school; and " duplicating process " means any process involving the use of an appliance for producing multiple copies.".
Section 43 ...	In subsections (2), (4) and (6), for " United Kingdom " there shall be substituted " Bahamas ".
Section 46 ...	Subsection (1) shall be omitted; in subsection (2), " (including any enactment of the Parliament of Northern Ireland) " shall be omitted.
Section 47 ...	The whole section except subsection (4) shall be omitted; in subsection (4), " or rules " shall be omitted.
Section 48 ...	In subsection (4), for " United Kingdom " there shall be substituted " Bahamas "; after subsection (7) there shall be added the following subsection:— " (8) In this Act the expressions " Governor " and " Governor in Council " have the meanings assigned to them in section two of the Interpretation Act 1911 of the Bahamas' Legislature.".
Section 49 ...	In subsection (2), for " United Kingdom " there shall be substituted " Bahamas ".
Section 51 ...	For subsection (2) there shall be substituted the following:— " (2) (*a*) Any provision of this Act empowering the Governor in Council or the Comptroller of Customs to make regulations shall come into operation on the commencement of the Order in Council extending that provision to the Bahamas. (*b*) All the other provisions of this Act shall come into operation on 11th February 1963."; subsection (3) shall be omitted.
Seventh Schedule	In paragraph 8, sub-paragraph (1) shall be omitted; in sub-paragraph (2), for " of section ten " there shall be substituted the word " thereof "; paragraphs 25, 26, 40 and 41 shall be omitted; in paragraph 46, for " United Kingdom " there shall be substituted " Bahamas ".
Eighth Schedule	Paragraph 2 shall be omitted.

Provision	Modification
Ninth Schedule	For the table therein set out there shall be substituted the following:—

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
1 & 2 Geo. 5. c. 46.	The Copyright Act 1911.	The whole Act.
18 & 19 Geo. 5. c. lii.	The Copyright Order Confirmation (Mechanical Instruments; Royalties) Act 1928.	The whole Act.

SECOND SCHEDULE

Modifications to the Orders in Council extended by Article 2

1. Modification to all the Orders in Council:—
Any reference in any of the Orders to its commencement shall be deemed to be a reference to 11th February 1963.

2. Modifications to the Copyright (International Conventions) Order 1957:—
(1) In Article 1, for " United Kingdom " there shall be substituted " Bahamas ".
(2) In Article 2, for the reference to the making of the Order there shall be substituted a reference to its extension to the Bahamas.
(3) In Article 3, for " United Kingdom " there shall be substituted " Bahamas ".
(4) In the Fourth Schedule, paragraph 5 shall be omitted.

3. Modification to the Copyright (International Conventions) (Argentina) Order 1958:—
In the Schedule, paragraphs 1 and 2 shall be omitted.

EXPLANATORY NOTE

(*This Note is not part of the Order, but is intended to indicate its general purport.*)

This Order extends the provisions of the Copyright Act 1956, with certain exceptions and modifications, to form part of the law of the Bahamas.

The Order also extends to form part of the law of that country four Orders in Council, as amended, made under the provisions of the Copyright Act. Works originating in the countries specified in the Copyright (International Conventions) Order 1957 as amended, and Argentina, works produced by the international organisations specified in the Copyright (International Organisations) Order 1957 as amended, and broadcasts to the public made in countries to which section 14 of the Copyright Act has been extended by Order in Council will now enjoy in the Bahamas protection similar to that which they at present enjoy in the United Kingdom and broadcasts made in the Bahamas will enjoy similar protection in each of those countries to which the Copyright (Broadcasting Organisations) Order 1961 has been extended.