STATUTORY INSTRUMENTS

1963 No. 1037

COPYRIGHT

The Copyright (Falkland Islands) Order 1963

Made - - - -	30*th May* 1963
Laid before Parliament	7*th June* 1963
Coming into Operation	10*th June* 1963

At the Court at Buckingham Palace, the 30th day of May 1963

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 Schedule 1 hereto shall extend to the Falkland Islands and its Dependencies (hereinafter together referred to as "the Falkland Islands") 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 Falkland Islands subject to the relevant modifications specified in Schedule 2 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 (Falkland Islands) Order 1963 and shall come into operation on 10th June 1963.

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.

SCHEDULE 1

PART I

Provisions of the Copyright Act 1956 extended to the Falkland Islands

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 32, 34, 35, 42 and 44 and the 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 " Falkland Islands "; 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 10 ...	For subsection (5) there shall be substituted the following:— " (5) For the purposes of this section a design shall be taken as being applied industrially if it is applied in the circumstances for the time being prescribed by rules made by the Board of Trade under this section and section thirty-six of the Registered Designs Act 1949, as extended by this section in the law of the United Kingdom.".
Section 12 ...	In subsection (6), for " United Kingdom " there shall be substituted " Falkland Islands ".
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.";

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

Provision	Modification
	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 ...	Subsection (6) shall be omitted.
Section 18 ...	In subsection (1), the reference to any corresponding provision which may be enacted by the Parliament of Northern Ireland shall be omitted; subsection (4) shall be omitted.
Section 21 ...	In subsections (1) and (6), for " United Kingdom " there shall be substituted " Falkland Islands "; 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 Collector of Customs " and, subject to the modification in subsection (4) hereinafter specified, for subsequent references in the section to the Commissioners there shall be substituted references to the said Collector; in subsections (2) and (3), for " United Kingdom " there shall be substituted " Falkland Islands "; in subsection (4), for " the Commissioners " on the first occasion where those words occur, there shall be substituted " the Governor in Council " and for " the Commissioners consider " there shall be substituted " the Governor in Council considers "; 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 Customs Ordinance (Cap. 16).
Section 23 ...	For subsections (2) and (3) there shall be substituted the following subsections:— " (2) The tribunal shall be appointed by the Governor in Council, who shall determine the number of members, the conditions of their appointment and the remuneration, if any, to be paid to them; (3) The Governor in Council shall make such rules as he thinks expedient to govern the procedure of the tribunal, and in particular, but without prejudice to the generality of the foregoing provision, shall make rules as to the procedure in connection with the making of reference to and application to the tribunal and for regulating proceedings before the tribunal and as to the fees chargeable in respect of those proceedings."; subsections (4), (5), (6) and (7) shall be omitted.

Provision	Modification
Section 24 ...	In subsection (3) (*c*), for " the Corporation or the Authority or any organisation appointed by them or either of them, in accordance with the provisions of the Fifth Schedule to this Act " there shall be substituted " any persons or classes of persons lawfully authorised to broadcast to the public in the Falkland Islands ".
Section 28 ...	In subsections (1), (2) and (4), for " United Kingdom " there shall be substituted " Falkland Islands " and for " the Corporation and the Authority " there shall be substituted the words " any persons or classes of persons lawfully authorised to broadcast to the public in the Falkland Islands ".
Section 30 ...	In the proviso to subsection (1), for " made under the Fourth Schedule to this Act " there shall be substituted " made by the Governor in Council "; for subsection (6) there shall be substituted the following:— " (6) In this section " the court " means the Supreme Court.".
Section 31 ...	Subsections (1) and (2) shall be omitted; in subsection (4), for " United Kingdom " there shall be substituted " Falkland Islands " and for " in a country " there shall be substituted " in the United Kingdom or in any country other than the Falkland Islands ".
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 Falkland Islands.".
Section 37 ...	Subsection (4) shall be omitted.
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 a recognised school as defined in the Education Ordinance (Cap. 22); 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 " Falkland Islands ".
Section 46 ...	Subsection (1) shall be omitted; in subsection (2), " (including any enactment of the Parliament of Northern Ireland) " shall be omitted.

Provision	Modification
Section 47 ...	The whole section except subsection (4) shall be omitted.
Section 48 ...	In subsection (1), there shall be added the following definitions:— " Falkland Islands " means the Falkland Islands and its Dependencies; " Governor " means the person for the time being lawfully administering the Government of the Falkland Islands; " Governor in Council " means the Governor acting with the advice and consent of the Executive Council of the Falkland Islands, but not necessarily acting in such Council assembled nor necessarily in accordance with such advice; in subsection (4), for " United Kingdom " there shall be substituted " Falkland Islands ".
Section 49 ...	In subsection (2), for " United Kingdom " there shall be substituted " Falkland Islands ".
Section 51 ...	For subsection (2) there shall be substituted the following:— " (2)—(*a*) Any provision of this Act empowering the Governor in Council to make rules or regulations shall come into operation on the commencement of the Order in Council extending that provision to the Falkland Islands. (*b*) All the other provisions of this Act shall come into operation on 10th October 1963. "; subsection (3) shall be omitted.
First Schedule	In paragraph 2, for " section seven of the Act of 1949 " there shall be substituted " section two of the United Kingdom Designs (Protection) Ordinance (Cap. 75) ".
Seventh Schedule	Paragraphs 40 and 41 shall be omitted; in paragraph 46, for " United Kingdom " there shall be substituted " Falkland Islands ".
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.

SCHEDULE 2

Modifications to 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 10th October 1963.

2. Modifications to the Copyright (International Conventions) Order 1957:—

(1) In Article 1, for "United Kingdom" there shall be substituted "Falkland Islands".

(2) In Article 2, for the reference to the making of the Order there shall be substituted a reference to its extension to the Falkland Islands.

(3) In Article 3, for "United Kingdom" there shall be substituted "Falkland Islands".

(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 Falkland Islands.

The Order also extends to form part of the law of that country four Orders in Council, so far 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 Falkland Islands protection similar to that which they at present enjoy in the United Kingdom and broadcasts made in the Falkland Islands will enjoy similar protection in each of those countries to which the Copyright (Broadcasting Organisations) Order 1961 has been extended.