1960 No. 847

The Copyright (Gibraltar) Order, 1960

Made - - - -	11*th May*, 1960
Laid before Parliament	17*th May*, 1960
Coming into Operation	1*st June*, 1960

At the Court at Buckingham Palace, the 11th day of May, 1960

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 Gibraltar subject to the modifications specified in Part II of that Schedule.

2. The Copyright (International Conventions) Order, 1957(b), the Copyright (International Organisations) Order, 1957(c), and the Copyright (Broadcasting Organisations) Order, 1959(d), (being Orders in Council made under the provisions of Part V of the said Act), shall extend to Gibraltar subject to the relevant modifications specified in the Second Schedule hereto.

3. The Interpretation Act, 1889(e), 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 (Gibraltar) Order, 1960, and shall come into operation on the 1st day of June, 1960.

W. G. Agnew.

FIRST SCHEDULE

PART I

Provisions of the Copyright Act, 1956, extended to Gibraltar

All the provisions of the Act, as amended by the Dramatic and Musical Performers' Protection Act, 1958(f), except section 8, sections 23 to 30, sections 32, 34, 35, 42 and 44 and the Fourth and Fifth Schedules.

(a) 4 & 5 Eliz. 2. c. 74.
(b) S.I. 1957/1523 (1957 I, p. 474).
(c) S.I. 1957/1524 (1957 I, p. 483).
(d) S.I. 1959/2214 (1959 I, p. 743).
(e) 52 & 53 Vict. c. 63.
(f) 6 & 7 Eliz. 2. c. 44.

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 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 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 " the United Kingdom " there shall be substituted " Gibraltar ".
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."; in subsection (8), for " any such film as is mentioned in paragraph (*a*) of section thirty-five of the Cinematograph Films Act, 1938 (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.
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 thereto and, 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 such further conversion or detention 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 " the United Kingdom " there shall be substituted " Gibraltar "; 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.".

Provision	Modification
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 Financial Secretary " and for subsequent references in the section to the Commissioners there shall be substituted references to the said Secretary; in subsections (2) and (3), for " the United Kingdom " there shall be substituted " Gibraltar "; in subsection (4), after " may ", where that word first occurs, there shall be inserted " with 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 paid into the general revenue of Gibraltar."; in subsection (7), for the references to the Customs and Excise Act, 1952, there shall be substituted references to the Imports and Exports Ordinance.
Section 31 ...	Subsections (1) and (2) shall be omitted; in subsection (4), for " the United Kingdom " there shall be substituted " Gibraltar " and for " in a country " there shall be substituted " in the United Kingdom or in any country other than Gibraltar ".
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 Gibraltar.".
Section 37 ...	Subsection (4) shall be omitted.
Section 39 ...	In subsection (8), for " section three of the Crown Proceedings Act, 1947 " there shall be substituted " section five of the Crown Proceedings Ordinance ".
Section 40 ...	Subsection (3) shall be omitted; in subsection (4), for " either of the last two 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 " has the same meaning as in the Education Ordinance; 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 " the United Kingdom " there shall be substituted " Gibraltar ".
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 49 ...	In subsection (2), for " the United Kingdom " there shall be substituted " Gibraltar ".
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 Financial Secretary to make regulations shall come into operation on the commencement of the Order-in-Council extending that provision to Gibraltar.

<table>
<tr><th>Provision</th><th>Modification</th></tr>
<tr><td>Section 51—cont.</td><td>(b) All the other provisions of this Act and the Orders in Council extended to Gibraltar at the same time as this Act shall come into operation on the 1st day of October, 1960.";
subsection(3) shall be omitted.</td></tr>
<tr><td>First Schedule ...</td><td>In paragraph 2, for " section seven of the Act of 1949 " there shall be substituted " section two of the Designs Ordinance ".</td></tr>
<tr><td>Seventh Schedule</td><td>Paragraphs 6, 25, 26, 40 and 41 shall be omitted;
in paragraphs 13 and 34, for reference to the first day of July, nineteen hundred and twelve, there shall be substituted references to the twelfth day of April, nineteen hundred and twelve (being the date on which the Copyright Act, 1911, came into force in Gibraltar);
in paragraph 46, for " the United Kingdom " there shall be substituted " Gibraltar ".</td></tr>
<tr><td>Ninth Schedule</td><td>For the table therein set out there shall be substituted the following:—
<table>
<tr><th colspan="3">Enactments Repealed</th></tr>
<tr><th>Session and Chapter</th><th>Short Title</th><th>Extent of Repeal</th></tr>
<tr><td>1 & 2 Geo. 5. c. 46.</td><td>The Copyright Act, 1911.</td><td>The whole Act.</td></tr>
<tr><td>18 & 19 Geo. 5. c. lii.</td><td>The Copyright Order Confirmation (Mechanical Instruments: Royalties) Act, 1928.</td><td>The whole Act.</td></tr>
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SECOND SCHEDULE

Modifications to the Orders in Council extended by Article 2

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

(1) References therein to the commencement of the Order shall be deemed to be references to its commencement in the law of Gibraltar.

(2) In Article 1, for " the United Kingdom " there shall be substituted " Gibraltar " and in the proviso—

(*a*) paragraph (ii) shall be omitted ;

(*b*) in paragraph (iii), after " India " there shall be inserted " the Republic of Ireland " and after " Israel ", " Italy " ; and

(*c*) in paragraph (vi), for " paragraphs (i) and (ii) " there shall be substituted " paragraph (i) ".

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

(4) In Article 3, for " the United Kingdom " there shall be substituted " Gibraltar ".

(5) In Article 4, paragraph (1) shall be omitted.

(6) In the First Schedule—

(*a*) In Part I,

(i) the names of India, Indonesia and the Republic of Ireland shall be deleted from the list of countries party to the "Rome Convention" and the name of Ceylon shall be added to that list, and

(ii) the names of India and the Republic of Ireland shall be added to the list of countries party to the "Brussels Convention";

(*b*) In Part II, the names of Argentina, Brazil, Czechoslovakia, India, the Republic of Ireland, the Lebanon and Liechtenstein shall be added to the list of countries party to the Universal Copyright Convention.

(7) In the Fourth Schedule—

(*a*) paragraphs 1 and 5 shall be omitted;

(*b*) in paragraph 2, for "the aforementioned Table" there shall be substituted "the Table set out at the end of this Schedule";

(*c*) in paragraph 4, for "first day of July" there shall be substituted "twelfth day of April".

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

In the Schedule thereto there shall be added the names of the Baghdad Pact Organisation and the Western European Union.

3. Modifications to the Copyright (Broadcasting Organisations) Order, 1959:—

(1) For Part I of the Schedule thereto (which sets out the provisions applied by the Order) there shall be substituted the following:—

"Such provisions of the Act relating to copyright in sound and television broadcasts as may be extended to Gibraltar under subsection (1) of section thirty one of the Act, with such modifications as may have been made thereto on extension.".

(2) In Part II of the Schedule, paragraphs 2 and 3 shall be omitted.

(3) In Part III of the Schedule (which sets out the persons in relation to whose broadcasts the provisions of the Act are applied) there shall be added the following paragraph:—

"2. Any person broadcasting in Gibraltar under the authority of or with the consent of the Government of Gibraltar.".

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 Gibraltar.

The Order also extends, with modifications, three Orders in Council made under the Act. The extension of two of these Orders (which are modified to take account of subsequent amending Orders) will afford protection in Gibraltar to works originating in countries party to certain international copyright conventions and works produced by certain international organisations, similar to that they now enjoy in the United Kingdom. One of the effects of the extension of the other Order, as modified, will be to afford protection in Gibraltar to certain broadcasts made locally.