*Modifications:*

Paragraph 41 of the Seventh Schedule to the Act shall extend subject to the following modifications—

(*a*) After the words "in the law of the United Kingdom" there shall be inserted the words "or of any other country to which that Act extended or which, by virtue of that Act, was to be treated as a country to which it extended"; and

(*b*) for the words "the law of that country" there shall be substituted the words "the law of the country first mentioned".

EXPLANATORY NOTE

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

This Order provides that the repeal of the Copyright Act, 1911, as part of the law of any country in the Commonwealth (which may be occasioned, for example, by the extension by Order in Council of the provisions of the Copyright Act, 1956, to that country or by the enactment of local legislation similar to that Act) shall not affect the protection enjoyed in respect of works originating in that country in other countries where the Act of 1911 continues to be law.

This Order does not affect copyright in the United Kingdom.

## 1959 No. 861

## The Copyright (Isle of Man) Order, 1959

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|---|---|
| *Made* - - - - | 13*th May*, 1959 |
| *Laid before Parliament* | 21*st May*, 1959 |
| *Coming into Operation* | 31*st May*, 1959 |

At the Court at Buckingham Palace, the 13th day of May, 1959

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.** Subject to any exceptions and modifications specified in the First and Second Schedules hereto respectively, all the provisions of the Copyright Act, 1956, and the Orders in Council specified in the said Second Schedule shall extend to the Isle of Man.

**2.** The Interpretation Act, 1889(b), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

**3.** This Order may be cited as the Copyright (Isle of Man) Order, 1959, and shall come into operation on the 31st day of May, 1959.

*W. G. Agnew.*

(a) 4 & 5 Eliz. 2. c 74. (b) 52 & 53 Vict. c. 63.

## FIRST SCHEDULE

*Extension of the provisions of the Copyright Act, 1956*

1. The following provisions shall not extend to the Isle of Man, namely, subsection (6) of section 17, subsection (4) of section 18, subsections (1) and (2) of section 31, sections 32, 34 and 35, subsection (8) of section 39, sections 42 and 45, subsection (1) of section 46, subsection (2) of section 51 and the Sixth Schedule.

2. The provisions mentioned in the first column of the following table shall be modified as indicated in the second column:—

| Provisions | Modification |
|---|---|
| Section 8 ... ... | In subsection (1), for " United Kingdom ", where those words first occur, there shall be substituted " Isle of Man " and after " United Kingdom ", where those words occur for the second time, there shall be inserted " or the Isle of Man ";<br>in subsection (3), the words " at any time after the end of one year beginning with the coming into operation of this section " shall be omitted;<br>in subsection (10), after " records " there shall be inserted " (other than records made in the United Kingdom) ", after " United Kingdom ", where those words first occur there shall be inserted " or the Isle of Man "and for " United Kingdom ", where those words occur for the second time, there shall be substituted " Isle of Man ". |
| Section 12 ... ... | In subsection (6), for " United Kingdom " there shall be substituted " Isle of Man ". |
| Section 18 ... ... | For the proviso to subsection (1) there shall be substituted the following:—<br>" 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.". |
| Section 21 ... ... | In subsections (1) and (6), for " United Kingdom " there shall be substituted " Isle of Man ";<br>for subsection (10) there shall be substituted the following:—<br>" (10) An appeal shall lie to the Staff of Government Division from any order made under the last preceding subsection by a court of summary jurisdiction.". |
| Section 22 ... ... | In subsections (2) and (3), for " United Kingdom " there shall be substituted " Isle of Man ";<br>in subsection (4), for " Commissioners ", on the first and third occasions on which that word occurs, there shall be substituted " Governor " and, at the end, there shall be added the following:—<br>" and may further provide that notices given under this section in its operation as part of the law of the United Kingdom shall be deemed to have been given under this section in its operation as part of the law of the Isle of Man "; |

| Provisions | Modification |
|---|---|
| Section 22 (*contd.*) ... | in subsection (5), for paragraph (*a*) there shall be substituted the following:—<br>" (*a*) to pay except in the case of a notice given under this section as part of the law of the United Kingdom which is by virtue of regulations made under the last preceding subsection to be treated as given under this section as part of the law of the Isle of Man, such fees in respect of the notice as may be prescribed by the regulations; ";<br>for subsection (6) there shall be substituted the following:—<br>" (6) For the purposes of any enactment, either of Parliament or of Tynwald, which relates to the disposal of duties of Customs collected in the Isle of Man, any fees paid in pursuance of regulations made under this section shall be treated as money collected in the Isle of Man on account of Customs.". |
| Section 23 ... ... | For section 23 there shall be substituted the following:—<br>" 23.—(1) The jurisdiction conferred by the provisions of this Part of this Act shall be exercised in the Isle of Man by the Performing Right Tribunal (hereinafter referred to as " the tribunal ") established under this Act as forming part of the law of the United Kingdom.<br>(2) There shall be paid to the members of the tribunal exercising jurisdiction in pursuance of subsection (1) of this section such remuneration (whether by way of salaries or fees), and such allowances, as may be agreed between the Governor and the Board of Trade.<br>(3) The remuneration and allowances to the members of the tribunal exercising its jurisdiction in the Isle of Man, and, in like circumstances, such other expenses of the tribunal as the Governor, after consultation with the Board of Trade, may determine shall be paid out of moneys provided by Tynwald.<br>(4) The provisions of the Fourth Schedule to this Act shall have effect with respect to the tribunal.". |
| Section 28 ... ... | After subsection (4) there shall be added the following:—<br>" (5) In this section " United Kingdom " includes the Isle of Man.". |
| Section 30 ... ... | For subsection (6) there shall be substituted the following:—<br>" (6) In this section " the court ", in relation to any proceedings of the tribunal in the Isle of Man, means the Chancery Division of Her Majesty's High Court of Justice of the Isle of Man.". |
| Section 31 ... ... | In subsection (4), for " United Kingdom " there shall be substituted " Isle of Man " and for " in a country " there shall be substituted " in the United Kingdom or in any other country other than the Isle of Man ". |
| Section 33 ... ... | For subsection (1) there shall be substituted the following:—<br>" (1) An organisation to which this section applies is one declared to be such by an Order in Council under this section as part of the law of the United Kingdom, being an Order in Council which has been extended, in relation to that organisation, to the Isle of Man.". |
| Section 41 ... ... | For subsection (7) there shall be substituted the following:—<br>" (7) In this section—<br>" school " has the same meaning as in the Education Act, 1949 (of Tynwald); and<br>" duplicating process " means any process involving the use of an appliance for producing multiple copies.". |

| Provisions | Modification |
|---|---|
| Section 43 ... ... | In subsections (2), (4) and (6), for " United Kingdom " there shall be substituted " Isle of Man ". |
| Section 47 ... ... | For section 47 there shall be substituted the following:—<br>" 47. Any regulations made by the Board of Trade in pursuance of powers conferred by this Act may be modified in their operation in the law of the Isle of Man by regulations made by the Governor under this section, and accordingly any reference in this Act to regulations made by the Board of Trade shall be construed as a reference to those regulations subject to such modifications (if any) as may have been made thereto in pursuance of this section.". |
| Section 48 ... ... | In subsection (1), there shall be added:—<br>" " court of summary jurisdiction " has the meaning assigned to it by section two of the Interpretation Act, 1949 (of Tynwald); "; and<br>" " Governor " has the meaning assigned to it by by section two of the Interpretation Act, 1949 (of Tynwald); ". |
| Fourth Schedule ... | Paragraphs 1 and 7 shall be omitted.<br>For paragraph 6 there shall be substituted the following:—<br>" 6.—(1) Rules made by the Lord Chancellor under the provisions of paragraph 6 of the Fourth Schedule to this Act as forming part of the law of the United Kingdom shall apply in the Isle of Man to the making of references and applications to the tribunal, to proceedings before the tribunal and to the fees charged in respect of such proceedings, subject to such modifications as may be agreed between the Governor and the Lord Chancellor.<br>(2) Provision shall be made by rules of court for limiting the time for instituting proceedings under subsection (2) of section thirty of this Act, and for authorising or requiring the court, where it makes an order directing the tribunal to refer a question of law to the court, to provide in the order for suspending the operation of any order made by the tribunal in the proceedings in which the question of law arose.<br>(3) In this paragraph " the court " has the same meaning as in section thirty of this Act.". |
| Seventh Schedule ... | In paragraph 40—<br>in head (*a*) of sub-paragraph (1), for " United Kingdom " there shall be substituted " Isle of Man ";<br>for head (*b*) of sub-paragraph (1) there shall be substituted the following:—<br>" (*b*) no Order in Council made under section 32 of this Act as part of the law of the United Kingdom applying any provisions of this Act in the case of that country has been extended so as to come into force in the Isle of Man on or before that date.";<br>in head (*b*) of sub-paragraph (2) for " coming into operation " there shall be substituted "extension to the Isle of Man.".<br>Paragraph 41 shall be omitted.<br>In paragraph 46—<br>at the end of sub-paragraph (1) there shall be added the following:—<br>" whether that section has been extended to the Isle of Man or not";<br>in sub-paragraph (2), for " United Kingdom " there shall be substituted " Isle of Man ". |

| Provisions | 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

*Extension of Orders in Council to the Isle of Man*

1. The Copyright (International Conventions) Order, 1957(a), subject to the following modifications:—

(1) For references therein to the commencement of that Order there shall be substituted references to its extension to the Isle of Man.

(2) In Article 1, 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 the Isle of Man.

(4) In Article 3 for "United Kingdom" there shall be substituted "Isle of Man".

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

(6) In the First Schedule—

(*a*) in Part I, "India" shall be deleted from the list of countries party to the "Rome Convention" and added after "Greece" in the list of countries party to the "Brussels Convention"; and

(*b*) in Part II, to the list of countries party to the Universal Copyright Convention there shall be added "Argentina", "India", "the Republic of Ireland" and "Liechtenstein".

2. The Copyright (International Organisations) Order, 1957(b), subject to the following modification, namely, the inclusion in the Schedule thereto of the names of the Baghdad Pact Organisation and the Western European Union.

## EXPLANATORY NOTE

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

This Order extends the Copyright Act, 1956, to the Isle of Man with a number of minor modifications and with the exception of a few provisions that are inapplicable.

The Order also extends the Orders in Council mentioned in the Second Schedule. As a result, works originating in certain foreign countries and works produced by certain international organisations will enjoy protection in the Isle of Man similar to that they at present enjoy in the United Kingdom.

(a) S.I. 1957/1523 (1957 I, p. 474). (b) S.I. 1957/1524 (1957 I, p. 483).