STATUTORY INSTRUMENTS

1964 No. 689

COPYRIGHT

The Copyright (Mauritius) Order 1964

Made - - - -	12*th May* 1964
Laid before Parliament	20*th May* 1964
Coming into Operation	21*st May* 1964

At the Court at Buckingham Palace, the 12th day of May 1964

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 1 of the Schedule hereto shall extend to Mauritius subject to the modifications specified in Part 2 of the Schedule.

2. The Copyright (International Organisations) Order 1957(b), as amended(c), and the Copyright (Broadcasting Organisations) Order 1961(d) (being Orders in Council made under Part V of the said Act) shall extend to Mauritius.

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 (Mauritius) Order 1964 and shall come into operation on 21st May 1964.

W. G. Agnew.

(a) 4 & 5 Eliz. 2. c. 74.
(b) S.I. 1957/1524 (1957 I, p. 483).
(c) S.I. 1958/1052 (1958 I, p. 363).
(d) S.I. 1961/2460 (1961 III, p. 4505).
(e) 52 & 53 Vict. c. 63.

SCHEDULE

PART 1

Provisions of the Copyright Act 1956 *extended to Mauritius*

All the provisions of the Copyright Act 1956 as amended by the Performers' Protection Acts 1958 and 1963(a) and the Films Act 1960(b), except sections 23 to 30, sections 32, 34, 35, 42 and 44 and Schedules 4 and 5.

PART 2

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 " the United Kingdom " there shall be substituted " Mauritius "; in the proviso to subsection (2), for references to one farthing there shall be inserted references to two cents and for references to three-farthings there shall be substituted references to six cents; 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, provided that any reference in any such order to a sum of money shall be construed as a reference to the equivalent sum in the currency of legal tender in Mauritius as provided by any law in Mauritius."; in subsection (4), for paragraph (*a*) there shall be substituted the following:— " (*a*) the minimum amount of royalty shall be six cents 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 under section 36 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 " Mauritius ".
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

(a) 6 & 7 Eliz. 2. c. 44 and 1963 c. 53. (b) 8 & 9 Eliz. 2. c. 57.

Provision	Modification
Section 13 (*contd.*)	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, if 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 38 of the Films Act 1960 (which relates to newsreels)" there shall be submitted "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 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, 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 "the United Kingdom" there be substituted "Mauritius"; in subsection (7), for "forty shillings" there shall be substituted "fifty rupees"; in subsections (7) and (8), for "summary conviction" there shall be substituted "conviction before a District Court", and for "fifty pounds" there shall be substituted "one thousand rupees"; 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 District Court.".
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"

Provision	Modification
Section 22 (*contd.*)	and for subsequent references in the section to the Commissioners there shall be substituted references to the said Comptroller; in subsection (2) and (3), for " the United Kingdom " there shall be substituted " Mauritius "; in subsection (4), after " regulations ", where that word first occurs, there shall be inserted " subject to the approval of the Governor in Council ", and for " consider " there shall be substituted " 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 1947.
Section 31 ...	Subsections (1) and (2) shall be omitted; in subsection (4), for " the United Kingdom " there shall be substituted " Mauritius " and for " in a country " there shall be substituted " in the United Kingdom or in any country other than Mauritius.".
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 Mauritius.".
Section 37 ...	Subsection (4) shall be omitted.
Section 39 ...	In subsection (8), for " section 3 of the Crown Proceedings Act 1947 " there shall be substituted " section 3 of the Crown Proceedings Ordinance 1953 ".
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 " has the same meaning as in the Education Ordinance 1957; 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 " Mauritius ".
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; in subsection (4), " or rules " shall be omitted.
Section 48 ...	In subsection (4), for " the United Kingdom " there shall be substituted " Mauritius ".
Section 49 ...	In subsection (2), for " the United Kingdom " there shall be substituted " Mauritius ".
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 Mauritius. (*b*) All the other provisions of this Act shall come into operation on 21st November 1964."; subsection (3) shall be omitted.
Schedule 1 ...	In paragraph 2, for " section 7 of the Act of 1949 " there shall be substituted " section 2 of the United Kingdom Designs (Protection) Ordinance 1936 ".
Schedule 7 ...	Paragraphs 25, 26, 40 and 41 shall be omitted; in paragraph 46, for " the United Kingdom " there shall be substituted " Mauritius ".
Schedule 9 ...	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.

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 Mauritius.

The Order also extends, to form part of the law of that country, two Orders in Council, as amended, made under the provisions of the Copyright Act. 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

Mauritius protection similar to that which they at present enjoy in the United Kingdom and broadcasts made in Mauritius will enjoy similar protection in each of those countries to which the Copyright (Broadcasting Organisations) Order 1961 has been extended.

Works originating in certain foreign and Commonwealth countries are also being protected by the extension to Mauritius of the Copyright (International Conventions) Order 1964 (S.I. 1964/690) which comes into operation at the same time as this Order.