STATUTORY INSTRUMENTS

1963 No. 1038

COPYRIGHT

The Copyright (St. Helena) 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 St. Helena and its Dependencies (hereinafter referred to as " St. Helena ") 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 St. Helena 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 (St. Helena) 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 St. Helena

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 section 8, sections 22 to 30, 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 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 " the United Kingdom " there shall be substituted " St. Helena ".
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 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 " the United Kingdom " there shall be subsituted " St. Helena "; for subsection (10) there shall be substituted the following:— " (10) An appeal shall lie to the Supreme Court of St. Helena from any order made under the last preceding subsection by a court of summary jurisdiction.".

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

Provision	Modification
Section 31 ...	Subsections (1) and (2) shall be omitted; in subsection (4), for " the United Kingdom " there shall be substituted " St. Helena " and for " in a country " there shall be substituted " in the United Kingdom or in any country other than St. Helena ".
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 St. Helena.".
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 " has the same meaning as in the Education Ordinance of 1941 as amended by the Education Ordinance of 1958 "; 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 " St. Helena ".
Section 46 ...	Subsection (1) shall be omitted; in subsection (2), " (including any enactment of the Parliament of Northern Ireland) " shall be omitted.
Section 47 ...	For section 47 there shall be substituted the following:— " 47.—(1) No regulations made under this Act by the Board of Trade shall come into operation in St. Helena until such time as may be appointed by notice given by the Governor in the St. Helena Government Gazette. (2) 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 St. Helena 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 (4), for " the United Kingdom " there shall be substituted " St. Helena ".
Section 49 ...	In subsection (2), for " the United Kingdom " there shall be substituted " St. Helena ".

Provision	Modification
Section 51 ...	For subsection (2) there shall be substituted the following:— "(2)—(*a*) Any provision of this Act empowering the Governor to make regulations shall come into operation on the commencement of the Order in Council extending that provision to St. Helena. (*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 2 of the United Kingdom Designs (Protection) Ordinance of 1930".
Seventh Schedule...	Paragraphs 6, 24, 25, 26, 40 and 41 shall be omitted; in paragraph 46, for "the United Kingdom" there shall be substituted "St. Helena".
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 "the United Kingdom" there shall be substituted "St. Helena".

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

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

(4) In the Fourth Schedule—

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

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

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 St. Helena.

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