STATUTORY INSTRUMENTS

1961 No. 2462

COPYRIGHT

The Copyright (Uganda) Order, 1961

Made - - - -	*21st December*, 1961
Laid before Parliament	*29th December*, 1961
Coming into Operation	*1st January*, 1962

At the Court at Buckingham Palace, the 21st day of December, 1961

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 Uganda 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 Uganda subject to the relevant modifications specified in the Second Schedule 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 (Uganda) Order, 1961, and shall come into operation on the 1st day of January, 1962.

W. G. Agnew.

FIRST SCHEDULE

PART I

Provisions of the Copyright Act, 1956, extended to Uganda

All the provisions of the Copyright Act, 1956, as amended by the Dramatic and Musical Performers' Protection Act, 1958(i), and the Films Act, 1960(j), except sections 23 to 30, sections 32, 34, 35, 42 and 44 and the Fourth, Fifth and Ninth Schedules.

(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 (1958 I, pp. 358, 360; 1960 I, p. 772; 1961 II, p. 3040; III, p. 4507).
(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 (*See* p. 4505 of this Pt.).
(h) 52 & 53 Vict. c. 63.
(i) 6 & 7 Eliz. 2. c. 44.
(j) 8 & 9 Eliz. 2. c. 57.

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 8 ...	In subsections (1) and (10), for " the United Kingdom " there shall be substituted " Uganda "; 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 head (*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), all the words after " Board of Trade " shall be omitted.
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 " Uganda ".
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 in the film subsists 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), in the proviso for " section three of the Limitation Act, 1939 " there shall be substituted " section five of the Limitation Ordinance, 1958 (No. 46 of 1958) " and the reference to any corresponding provision which may be enacted by the Parliament of Northern Ireland shall be omitted; subsection (4) shall be omitted.

Provision	Modification
Section 21 ...	In subsections (1) and (6), for " the United Kingdom " there shall be substituted " Uganda "; in subsections (7) and (8), for " summary conviction " there shall be substituted " conviction by a district court "; for subsection (10) there shall be substituted the following:— " (10) An appeal shall lie to the High 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 Commissioner of Customs and Excise for East Africa " and, subject to the modification to subsection (4) hereinafter mentioned, for subsequent references to the said Commissioners there shall be substituted references to the said Commissioner; in subsections (2) and (3), for " the United Kingdom " there shall be substituted " Uganda "; in subsection (4), for " the Commissioners ", where the words first occur, there shall be substituted " the Governor " and for " the Commissioners consider " there shall be substituted " the Governor 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 customs and excise revenue within the meaning of the Customs and Excise Revenue Allocation Act (Cap. 8 Laws of the East Africa High Commission, Revised Edition, 1951)."; in subsection (7), for the references to the Customs and Excise Act, 1952, there shall be substituted references to the East African Customs Management Act, 1952.
Section 31 ...	Subsections (1) and (2) shall be omitted; in subsection (4), for " the United Kingdom " there shall be substituted " Uganda " and for " in a country " there shall be substituted " in the United Kingdom or in any country other than Uganda.
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 Uganda.".
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 Government Proceedings Ordinance, 1958 (No. 48 of 1958) ".
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, 1959 (No. 13 of 1959); and " duplicating process " means any process involving the use of an appliance for producing multiple copies.".

Provision	Modification
Section 43 ...	In subsections (2), (4) and (6), for " the United Kingdom " there shall be substituted " Uganda ".
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 Uganda until such time as may be appointed by notice given by the Governor in the Uganda 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 Uganda 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 " Uganda "; after subsection (7) there shall be added the following subsection:— " (8) In this Act references to Ordinances are references to Ordinances in the law of Uganda and the numerical citations of such Ordinances are those of the Revised Edition of the Laws of Uganda of 1951 or the annual volumes of the Laws of Uganda for 1951 and succeeding years.".
Section 49 ...	In subsection (2), for " the United Kingdom " there shall be substituted " Uganda ".
Section 50 ...	For subsection (2) there shall be substituted the following:— " (2) The Order in Council made under section 28 of the Copyright Act, 1911, and dated 24th June, 1912, shall cease to have effect in the case of Uganda and, accordingly, the Copyright Act, 1911, shall be deemed to be repealed in the law of the Protectorate.".
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 Uganda. (*b*) All the other provisons of this Act shall come into operation on the first day of May, 1962."; 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. 221 ".
Seventh Schedule	Paragraphs 25, 26, 40 and 41 shall be omitted; in paragraph 46, for " the United Kingdom " there shall be substituted " Uganda ".

SECOND SCHEDULE

Modifications to the 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 the first day of May, 1962.

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

(1) In Article 1, for "the United Kingdom" there shall be substituted "Uganda".

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

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

(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, with certain exceptions and minor modifications, the provisions of the Copyright Act, 1956, to form part of the law of Uganda.

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