STATUTORY INSTRUMENTS

1962 No. 2185

COPYRIGHT

The Copyright (Virgin Islands) Order 1962

Made - - - -	*2nd October* 1962
Laid before Parliament	*8th October* 1962
Coming into Operation	*11th October* 1962

At the Court at Balmoral, the 2nd day of October 1962

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 the Virgin Islands 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 the Virgin Islands 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 (Virgin Islands) Order 1962 and shall come into operation on 11th October 1962.

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.

FIRST SCHEDULE

PART I

Provisions of the Copyright Act 1956 extended to the Virgin Islands

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 sections 23 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 7 ...	For the references to the Board of Trade there shall be substituted references to the Administrator in Council.
Section 8 ...	In subsections (1) and (10), for "United Kingdom" there shall be substituted "Virgin Islands"; in subsection (2), for the references to a farthing there shall be substituted references to ·3 cent in the currency of the United States of America, and for the references to three farthings there shall be substituted references to ·9 cent of the same currency; 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 the Virgin Islands as provided by any law of the Virgin Islands."; in subsection (4), for paragraph (*a*) there shall be substituted the following:— "(*a*) the minimum amount of royalty shall be ·9 cent in the currency of the United States of America in respect of each of those works; and"; in subsection (11), for references to the Board of Trade there shall be substituted references to the Administrator 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 "United Kingdom" there shall be substituted "Virgin Islands".

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

Provision	Modification
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 15 ...	In subsection (4), for " Board of Trade " there shall be substituted " Administrator 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, 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 " United Kingdom " there shall be substituted " Virgin Islands "; in subsection (7), for " forty shillings " there shall be substituted " 5·6 dollars in the currency of the United States of America "; in subsections (7) and (8) for " fifty pounds " there shall be substituted " 140 dollars in the currency of the United States of America "; for subsection (10) there shall be substituted the following:— " (10) An appeal shall lie to the Supreme Court of the Windward Islands and Leeward Islands 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 Treasurer " and for subsequent references in the section to the Commissioners there shall be substituted references to the said Treasurer; in subsections (2) and (3), for " United Kingdom " there shall be substituted " Virgin Islands "; in subsection (4), after " regulations ", where that word first occurs, there shall be inserted " subject to the approval of the Administrator 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 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 1892.
Section 31 ...	Subsections (1) and (2) shall be omitted; in subsection (4), for " United Kingdom " there shall be substituted " Virgin Islands " and for " in a country " there shall be substituted " in the United Kingdom or in any country other than the Virgin Islands ".
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 the Virgin Islands.".
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 1955 ".
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 " means a primary or secondary school within the provisions of the Education Ordinance 1955; 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 " United Kingdom " there shall be substituted " Virgin Islands ".
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 (1), there shall be added the following definitions:— " " Administrator " means the person for the time being holding the office of Administrator of the Virgin Islands and includes any person for the time being performing the functions of that office and, to the extent to which a deputy appointed under article five of the Virgin Islands Letters Patent 1959 is authorised to perform these functions, that deputy ; " Administrator in Council " means, save as otherwise provided by Letters Patent under the Great Seal of the United Kingdom or by Instructions under the Royal Sign Manual and Signet, the Administrator acting with the advice of the Executive Council of the Virgin Islands, and to such extent as may be provided by any such Letters Patent or Instructions, in accordance with that advice, but not necessarily in such Council assembled; " Treasurer " means the Treasurer of the Virgin Islands."; in subsection (4), for " United Kingdom " there shall be substituted " Virgin Islands ".
Section 49 ...	In subsection (2), for " United Kingdom " there shall be substituted " Virgin Islands ".
Section 51 ...	For subsection (2) there shall be substituted the following:— " (2) (*a*) Any provision of this Act empowering the Administrator in Council or the Treasurer to make regulations shall come into operation on the commencement of the Order in Council extending that provision to the Virgin Islands. (*b*) All the other provisions of this Act shall come into operation on 11th February 1963."; 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) Act 1930 of the Leeward Islands Legislature ".
Seventh Schedule...	Paragraphs 25, 26, 40 and 41 shall be omitted; in paragraph 46, for " United Kingdom " there shall be substituted " Virgin Islands ".
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

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 11th February 1963.

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

(1) In Article 1, for "United Kingdom" there shall be substituted "Virgin Islands".

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

(3) In Article 3, for "United Kingdom" there shall be substituted "Virgin Islands".

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

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