STATUTORY INSTRUMENTS

1961 No. 2463

COPYRIGHT

The Copyright (Zanzibar) Order, 1961

Made - - - - 21*st December*, 1961
Laid before Parliament 29*th December*, 1961
Coming into Operation 1*st 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 Zanzibar 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 the provisions of Part V of the said Act) shall also extend to Zanzibar subject to the modifications specified in the Second Schedule hereto.

3. Where any person has, before the commencement of this Order, taken any action whereby he has incurred any expenditure or liability in connection with the reproduction or performance of any work or any subject-matter in a manner which at the time was lawful, or for the purpose of or with a view to the reproduction or performance of a work or other subject-matter at a time when such reproduction or performance would, but for the making of this Order, have been lawful, nothing in this Order shall diminish or prejudice any rights or interest arising from, or in connection with, such action which are subsisting and valuable immediately before such commencement unless the person who, by virtue of this Order, becomes entitled to restrain such reproduction or performance agrees to pay such compensation as, failing agreement, may be determined by arbitration.

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

(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.

5. This Order may be cited as the Copyright (Zanzibar) 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 Zanzibar

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, Fifth, Eighth and Ninth 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 Resident in Council.
Section 8 ...	In subsections (1) and (10), for " the United Kingdom " there shall be substituted " Zanzibar " ; in the proviso to subsection (2), for references to one farthing there shall be substituted references to one cent and for references to three-farthings there shall be substituted references to five 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." ; in subsection (4), for head (*a*) there shall be substituted the following:— " (*a*) the minimum amount of royalty shall be five 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 Resident 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 section thirty-six of the Registered Designs Act, 1949, as extended by this section in the law of the United Kingdom.".

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

Provision	Modification
Section 12 ...	In subsection (6), for " the United Kingdom " there shall be substituted " Zanzibar ".
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 the 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 the 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 " Resident in Council ".
Section 17 ...	There shall be inserted, after subsection (4), the following subsection:— " (4A) No action for 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 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." ; subsection (4) shall be omitted.
Section 21 ...	In subsections (1) and (6), for " the United Kingdom " there shall be substituted " Zanzibar " ; in subsections (7) and (8), for " summary conviction " there shall be substituted " conviction before a First Class Subordinate 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.".

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 Comptroller of Customs " and for subsequent references to the Commissioners in that subsection and in subsections (4) and (5) there shall be substituted references to the said Comptroller ; in subsections (2) and (3), for " the United Kingdom " there shall be substituted " Zanzibar " ; in subsection (4), there shall be inserted after " regulations ", where that word first occurs, " subject to the approval of the Resident 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 general revenue." ; in subsection (7), for the references to the Customs and Excise Act, 1952, there shall be substituted references to the Customs Management Decree.
Section 31 ...	Subsections (1) and (2) shall be omitted; in subsection (4), for " the United Kingdom " there shall be substituted " Zanzibar " and for " in a country '. there shall be substituted " in the United Kingdom or in any country other than Zanzibar ".
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, being an Order in Council which has been extended, in relation to that organisation, to Zanzibar.".
Section 37 ...	Subsection (4) shall be omitted.
Section 39 ...	Subsection (8) 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 Decree, 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 " Zanzibar ".

Provision	Modification
Section 46 ...	Subsection (1) shall be omitted; in subsection (2), " (including any enactment of the Parliament of Northern Ireland) " shall be omitted.
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:— " Resident " includes the Officer for the time being discharging the duties of the Resident; " ; in subsection (4), for " the United Kingdom " there shall be substituted " Zanzibar ".
Section 49 ...	In subsection (2), for " the United Kingdom " there shall be substituted " Zanzibar ".
Section 51 ...	For subsection (2) there shall be substituted the following:— " (2) (*a*) Any provision of this Act empowering the Resident in Council to make regulations shall come into operation on the commencement of the Order in Council extending that provision to Zanzibar. (*b*) All the other provisions 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) Decree (No. 27 of 1937) ".
Seventh Schedule	All paragraphs except paragraphs 39, 45, 46 and 47 (2) shall be omitted; in sub-paragraph (2) of paragraph 45, the references to cinematograph films shall be omitted; in sub-paragraph (2) of paragraph 46, for " the United Kingdom " there shall be substituted " Zanzibar " and to that sub-paragraph there shall be added " and " photograph " includes photolithograph and any work produced by any process analogous to photography.".

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 " Zanzibar ".

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

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

(4) The Fourth and Fifth Schedules 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 Zanzibar.

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