Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART I

COPYRIGHT

CHAPTER X

MISCELLANEOUS AND GENERAL

Transitional provisions and savings

170 Transitional provisions and savings.

[[F1](1)**]** Schedule 1 contains transitional provisions and savings relating to works made, and acts or events occurring, before the commencement of this Part, and otherwise with respect to the operation of the provisions of this Part.

[[F2](2) The Secretary of State may by regulations amend Schedule 1 to reduce the duration of copyright in existing works which are unpublished, other than photographs or films.

(3) The regulations may provide for the copyright to expire—

(a) with the end of the term of protection of copyright laid down by Directive 2006/116/ EC or at any later time;

(b) subject to that, on the commencement of the regulations or at any later time.

(4) " Existing works " has the same meaning as in Schedule 1.

(5) Regulations under subsection (2) may—

(a) make different provision for different purposes;

(b) make supplementary or transitional provision;

(c) make consequential provision, including provision amending any enactment or subordinate legislation passed or made before that subsection comes into force.

(6) The power to make regulations under subsection (2) is exercisable by statutory instrument.

(7) A statutory instrument containing regulations under subsection (2) may not be made unless a draft of the instrument has been laid before and approved by resolution of each House of Parliament.**]**

Textual Amendments

F1 S. 170 renumbered as s. 170(1) (25.4.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), **ss. 76(2)**, 103(1)

F2 S. 170(2)-(7) inserted (25.4.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), **ss. 76(3)**, 103(1)

171 Rights and privileges under other enactments or the common law.

(1) Nothing in this Part affects—

(a) any right or privilege of any person under any enactment (except where the enactment is expressly repealed, amended or modified by this Act);

(b) any right or privilege of the Crown subsisting otherwise than under an enactment;

(c) any right or privilege of either House of Parliament;

(d) the right of the Crown or any person deriving title from the Crown to sell, use or otherwise deal with articles forfeited under the laws relating to customs and excise;

(e) the operation of any rule of equity relating to breaches of trust or confidence.

(2) Subject to those savings, no copyright or right in the nature of copyright shall subsist otherwise than by virtue of this Part or some other enactment in that behalf.

(3) Nothing in this Part affects any rule of law preventing or restricting the enforcement of copyright, on grounds of public interest or otherwise.

(4) Nothing in this Part affects any right of action or other remedy, whether civil or criminal, available otherwise than under this Part in respect of acts infringing any of the rights conferred by Chapter IV (moral rights).

(5) The savings in subsection (1) have effect subject to section 164(4) and section 166(7) (copyright in Acts, Measures and Bills: exclusion of other rights in the nature of copyright).

Modifications etc. (not altering text)

C1 Ss. 161, 162, 171(1)(3), 172-179 applied (1.12.1996) by S.I. 1996/2967, **reg. 17(4)** (with Pt. III)

Status:
Point in time view as at 25/04/2013.

Changes to legislation:
There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Cross Heading: Transitional provisions and savings.