

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Cross Heading: Crown copyright. (See end of Document for details)

SCHEDULES

SCHEDULE 1

COPYRIGHT: TRANSITIONAL PROVISIONS AND SAVINGS

Modifications etc. (not altering text)

- C1 [Sch. 1](#) applied (with modifications) by [S.I. 1989/1293](#), [art. 4\(4\)\(5\)\(6\)](#)
- C1 [Sch. 1](#) applied (with modifications)(4.5.1993) by [S.I. 1993/942](#), [arts. 2\(3\)](#), [5](#), [Sch. 4](#) (with [art. 6](#))
- C1 [Sch. 1](#) applied (4.5.1993) by [S.I. 1993/942](#), [arts.4](#), [5](#), [Sch. 4](#) (with [art. 6](#))
- C1 [Sch. 1](#) applied (with modifications) (22.7.1999) by [S.I. 1999/1751](#), [arts. 2\(3\)](#), [3](#), [4\(3\)-\(5\)](#), [6](#), [Sch. 5](#) (subject to [arts. 5](#), [7](#)) (as amended (22.4.2003) by [S.I. 2003/774](#), [arts. 2-5](#))
- C1 [Sch. 1](#) extended in part (with modifications) by [The Copyright \(Bermuda\) Order 2003 \(S.I. 2003/1517\)](#), [art. 2](#), [Sch.](#) (the amendment coming into force in accordance with [art. 1](#) of the amending S.I.)
- C1 [Sch. 1](#) extended in part (with modifications) by [The Copyright \(Gibraltar\) Order 2005 \(S.I. 2005/853\)](#), [art. 2](#), [Sch.](#) (the amendment coming into force in accordance with [art. 1](#) of the amending S.I.)

Crown copyright

- 40 (1) Section 163 of this Act (general provisions as to Crown copyright) applies to an existing work if—
- (a) section 39 of the 1956 Act applied to the work immediately before commencement, and
 - (b) the work is not one to which section 164, 165 or 166 applies (copyright in Acts, Measures and Bills and Parliamentary copyright: see paragraphs 42 and 43 below).
- (2) Section 163 (1)(b) (first ownership of copyright) has effect subject to any agreement entered into before commencement under section 39(6) of the 1956 Act.

- 41 (1) The following provisions have effect with respect to the duration of copyright in existing works to which section 163 (Crown copyright) applies.

The question which provision applies to a work shall be determined by reference to the facts immediately before commencement; and expressions used in this paragraph which were defined for the purposes of the 1956 Act have the same meaning as in that Act.

- (2) Copyright in the following descriptions of work continues to subsist until the date on which it would have expired in accordance with the 1956 Act—
- (a) published literary, dramatic or musical works;
 - (b) artistic works other than engravings or photographs;
 - (c) published engravings;
 - (d) published photographs and photographs taken before 1st June 1957;
 - (e) published sound recordings and sound recordings made before 1st June 1957;

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- (f) published films and films falling within section 13(3)(a) of the 1956 Act (films registered under former enactments relating to registration of films).
 - (3) Copyright in unpublished literary, dramatic or musical works continues to subsist until—
 - (a) the date on which copyright expires in accordance with section 163(3), or
 - (b) the end of the period of 50 years from the end of the calendar year in which the new copyright provisions come into force,whichever is the later.
 - (4) Copyright in the following descriptions of work continues to subsist until the end of the period of 50 years from the end of the calendar year in which the new copyright provisions come into force—
 - (a) unpublished engravings;
 - (b) unpublished photographs taken on or after 1st June 1957.
 - (5) Copyright in a film or sound recording not falling within sub-paragraph (2) above continues to subsist until the end of the period of 50 years from the end of the calendar year in which the new copyright provisions come into force, unless the film or recording is published before the end of that period, in which case copyright expires 50 years from the end of the calendar year in which it is published.
- 42 (1) Section 164 (copyright in Acts and Measures) applies to existing Acts of Parliament and Measures of the General Synod of the Church of England.
- (2) References in that section to Measures of the General Synod of the Church of England include Church Assembly Measures.

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