



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART I

COPYRIGHT

CHAPTER III

ACTS PERMITTED IN RELATION TO COPYRIGHT WORKS

Public administration

48 Material communicated to the Crown in the course of public business.

- (1) This section applies where a literary, dramatic, musical or artistic work has in the course of public business been communicated to the Crown for any purpose, by or with the licence of the copyright owner and a document or other material thing recording or embodying the work is owned by or in the custody or control of the Crown.
 - (2) The Crown may, for the purpose for which the work was communicated to it, or any related purpose which could reasonably have been anticipated by the copyright owner, copy the work and issue copies of the work to the public without infringing any copyright in the work.
 - (3) The Crown may not copy a work, or issue copies of a work to the public, by virtue of this section if the work has previously been published otherwise than by virtue of this section.
 - (4) In subsection (1) “public business” includes any activity carried on by the Crown.
 - (5) This section has effect subject to any agreement to the contrary between the Crown and the copyright owner.
- [^{F1}(6) In this section “the Crown” includes a health service body, as defined in section 60(7) of the National Health Service and Community Care Act 1990, [^{F2}a Primary Care

Status: Point in time view as at 01/04/2009. This version of this provision has been superseded.

Changes to legislation: Copyright, Designs and Patents Act 1988, Section 48 is up to date with all changes known to be in force on or before 18 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Trust established under [^{F3}section 18 of the National Health Service Act 2006], [^{F4}the Care Quality Commission] and a National Health Service trust established under [^{F5}section 25 of the National Health Service Act 2006, section 18 of the National Health Service (Wales) Act 2006] or the National Health Service (Scotland) Act 1978 [^{F6}and an NHS foundation trust][^{F7}and also includes a health and social services body, as defined in Article 7(6) of the Health and Personal Social Services (Northern Ireland) Order 1991, and a Health and Social Services trust established under that Order], and the reference in subsection (1) above to public business shall be construed accordingly.]

Textual Amendments

- F1** S. 48(6) added by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 60(2), [Sch. 8 para. 3](#)
- F2** Words in s. 48(6) inserted (8.2.2000) by [S.I. 2000/90](#), art. 3(1), [Sch. 1 para. 22](#)
- F3** Words in s. 48(6) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 2, 8, [Sch. 1 para. 112\(a\)](#) (with s. 5, Sch. 3 Pt. 1)
- F4** Words in s. 48(6) substituted (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 95, 170(3), [Sch. 5 para. 60](#); [S.I. 2009/462](#), art. 2, Sch. 1 paras. 30, 35(x)
- F5** Words in s. 48(6) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 2, 8, [Sch. 1 para. 112\(b\)](#) (with s. 5, Sch. 3 Pt. 1)
- F6** Words in s. 48(6) inserted (1.4.2004) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. 34, 199(1), [Sch. 4 para. 72](#); [S.I. 2004/759](#), [art. 2](#)
- F7** Words in s. 48(6) inserted (1.4.1992) by [S.I. 1991/194](#), art. 7(2), [Sch. 2 Pt. I para. 3](#); [S.R. 1991/131](#), art. 2(e), [Sch. Pt. III](#)

Modifications etc. (not altering text)

- C1** S. 48: functions made exercisable by [Local Health Boards \(E.W.\) \(1.10.2009\)](#) by [The Local Health Boards \(Directed Functions\) \(Wales\) Regulations 2009 \(S.I. 2009/1511\)](#), reg. 4, [Sch.](#) (subject to reg. 5)
- C2** S. 48(6) modified (temp. from 1.10.2008) by [The Health and Social Care Act 2008 \(Consequential Amendments and Transitory Provisions\) Order 2008 \(S.I. 2008/2250\)](#), [art. 3\(3\)](#)

Status:

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