
 STATUTORY INSTRUMENTS

1986 No. 1299

COPYRIGHT

The Copyright (Isle of Man) Order 1986

Made - - - 25th July 1986

Laid before Parliament 4th August 1986

Coming into Operation 1st September 1986

At the Court at Buckingham Palace, the 25th day of July 1986

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of sections 31(1) and (2) and 47(3) of the Copyright Act 1956(a), including section 31(1) as applied by section 4(2) of the Copyright (Computer Software) Amendment Act 1985(b), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Copyright (Isle of Man) Order 1986 and shall come into operation on 1st September 1986.
2. The Copyright Act 1956(c) shall extend to the Isle of Man subject to the exceptions and modifications specified in Schedule 1 to this Order.
3. The Copyright (International Organisations) Order 1957(d) shall extend to the Isle of Man.

(a) 1956 c.74.

(b) 1985 c.41.

(c) Section 2 was repealed in part by Schedule 6 to the Cable and Broadcasting Act 1984 (c.46), section 13 was repealed in part by the Films Act 1985 (c.21), section 45 and Schedule 6 were repealed by section 9(3) of the Dramatic and Musical Performers' Protection Act 1958 (c.44) and section 50(2) and Schedule 9 were repealed by the Statute Law (Repeals) Act 1974 (c.22); section 1(5) was amended by the British Nationality (Modification of Enactments) Order 1982 (S.I. 1982/1832), sections 2, 3, 6, 7, 9, 14, 16, 18, 24, 28, 31, 40, 41, 43 and 48 and Schedule 7 by Schedule 5 to the said Act of 1984, section 10 and Schedule 1 by section 1 of the Design Copyright Act 1968 (c.68), sections 12 and 13 by section 24 of the said Act of 1984, section 13 by the Films Act 1985, sections 14 and 40 by section 23 of the said Act of 1984, section 21 by section 1 of the Copyright Act 1956 (Amendment) Act 1982 (c.35), section 1 of the Copyright (Amendment) Act 1983 (c.42) and sections 35, 38 and 46 of the Criminal Justice Act 1982 (c.48), section 22 by Schedule 4 to the Customs and Excise Management Act 1979 (c.2) and section 29 by section 1 of the Copyright (Amendment) Act 1971 (c.4); sections 14A, 27B and 40A were inserted by sections 22, 23 and 24 of the said Act of 1984, sections 21A and 21B by section 2 of the said Act of 1983 and section 27A by section 1 of the said Act of 1971.

(d) S.I. 1957/1524, amended by S.I. 1958/1052.

4. The Copyright (Computer Software) Amendment Act 1985 shall extend to the Isle of Man subject to the exceptions and modifications specified in Schedule 2 to this Order.

5. The Copyright (Isle of Man) Order 1959(a), the Copyright (Isle of Man) Order 1970(b) and the Copyright (Isle of Man) Order 1971(c) are hereby revoked.

G. I. de Deney,
Clerk of the Privy Council.

Article 2

SCHEDULE 1

EXCEPTIONS AND MODIFICATIONS TO THE PROVISIONS OF THE COPYRIGHT ACT 1956 AS
EXTENDED TO THE ISLE OF MAN

1. Any reference to an Act of Parliament (including the Copyright Act 1956) or to a provision of such an Act shall, unless the contrary intention appears, be construed —
 - (a) if it extends to the Isle of Man, as a reference to it as it has effect in the Isle of Man;
 - (b) if it does not so extend, as a reference to it as it has effect in the United Kingdom.
2. Any reference to an enactment of Tynwald shall be construed, unless the contrary intention appears, as a reference to it as amended or replaced by or under any other enactment of Tynwald.
- 3.—(1) In section 8(1) —
 - (a) for “United Kingdom” (in the first place) substitute “Isle of Man”; and
 - (b) after “United Kingdom” (in the second place) insert “or the Isle of Man”.
 (2) In section 8(3), omit the words from “at any time” to “this section”.
 (3) In section 8(10) —
 - (a) after “records” insert “(other than records made in the United Kingdom)”; and
 - (b) after “United Kingdom” (in the first place) insert “or the Isle of Man”; and
 - (c) for “United Kingdom” (in the second place) substitute “Isle of Man”.
4. In section 10(2) and (3), for “United Kingdom” substitute “Isle of Man”.
5. In section 12(6), for “United Kingdom” substitute “Isle of Man”.
6. In section 14(8A) —
 - (a) omit paragraph (a); and
 - (b) in paragraph (b), for “subsection (6) of that section” substitute “section 13(6) of the Cable and Broadcasting Act 1984”.
7. In section 14A(11) —
 - (a) in the definition of “cable programme”, for “commencement of section 22 of the Cable and Broadcasting Act 1984” substitute “extension of this section to the Isle of Man”; and
 - (b) in the definition of “cable programme service”, for “said Act of 1984” substitute “Cable and Broadcasting Act 1984”.

(a) S.I. 1959/861.

(b) S.I. 1970/1437.

(c) S.I. 1971/1848.

8. In section 17, omit subsection (6).

9.—(1) In section 18(1), for the words from “subsection (2)” to “Ireland,” substitute “section 3(2) of the Limitation Act 1984 (an Act of Tynwald) (which relates to successive conversions or detentions),”.

(2) Omit section 18(4).

10.—(1) In section 21(1) and (6), for “United Kingdom” substitute “Isle of Man”.

(2) In section 21(7B), for “indictment” substitute “information”.

(3) After section 21(7D) insert —

“(7E) Subsections (7A) and (7B) of this section do not apply to an offence committed before the extension of those subsections to the Isle of Man.”.

(4) For section 21(10) substitute —

“(10) An appeal shall lie to the Staff of Government Division of the High Court from any order made under subsection (9) above by a court of summary jurisdiction.”.

11. In section 21A, omit subsections (5) and (6).

12. Omit sections 21B and 22.

13. For section 23 substitute —

“23.—(1) The jurisdiction conferred by the provisions of this Part of this Act shall be exercised in the Isle of Man by the Performing Right Tribunal (hereinafter referred to as “the tribunal”) established under this Act as it has effect in the United Kingdom.

(2) There shall be paid to the members of the tribunal exercising jurisdiction in the Isle of Man such remuneration and allowances as may be agreed between the Isle of Man Treasury and the Secretary of State.

(3) The remuneration and allowances payable under subsection (2) above, and such other expenses of the tribunal as the Isle of Man Treasury, after consultation with the Secretary of State, may determine, shall be paid out of moneys provided by Tynwald.

(4) The provisions of the Fourth Schedule to this Act shall have effect with respect to the tribunal.”.

14. Omit section 27B.

15.—(1) In section 28(1) —

(a) for “United Kingdom” (in the first place) substitute “Isle of Man”; and

(b) after “United Kingdom” (in the second place) insert “and the Isle of Man”.

(2) In section 28(2)(a) and (4), after “United Kingdom” insert “or the Isle of Man”.

16. For section 30(6) substitute —

“(6) In this section “the court” means the High Court.”.

17.—(1) In section 31, omit subsections (1) and (2).

(2) In section 31(4) —

(a) for “United Kingdom” substitute “Isle of Man”; and

(b) for “in a country” substitute “in the United Kingdom or in any other country (other than the Isle of Man)”.

18. Omit section 32.

19. For section 33(1) substitute —

“(1) An organisation to which this section applies is one which is declared to be such by an Order in Council under this section as it has effect in the United Kingdom, being an Order in Council which has been extended, in relation to that organisation, to the Isle of Man.”.

20. Omit sections 34 and 35, and subsection (8) of section 39.

21. In section 40(3A), omit paragraph (a).

22. In section 41(7), for the words from the beginning to “1947;” substitute “In this section “school” has the same meaning as in the Isle of Man Education Act 1949 (an Act of Tynwald);”.

23. Omit section 42.

24. In section 43(2), (4) and (6), for “United Kingdom” substitute “Isle of Man”.

25. Omit section 45.

26. In section 46, omit subsection (1).

27. For section 47 substitute —

“47.—(1) The Governor in Council may by regulations modify in their application to the Isle of Man any regulations made by the Secretary of State or the Board of Trade under this Act.

(2) Regulations made under this section shall not have effect unless they are approved by Tynwald.

(3) Any reference in this Act to regulations made by the Secretary of State or the Board of Trade shall, where appropriate, be construed as a reference to those regulations as modified under this section.”.

28. After section 48(1) insert —

“(1A) In this Act, the following expressions, namely —

“court of summary jurisdiction”;

“the Governor in Council”; and

“the High Court”

have the meanings given to them by the Interpretation Act 1976 (an Act of Tynwald).”.

29. In section 51, omit subsection (2).

30.—(1) Schedule 4 shall have effect subject to the following modifications.

(2) Omit paragraphs 1 and 7.

(3) For paragraph 6(1), (2) and (3) substitute —

“(1) Rules made by the Lord Chancellor under this paragraph, as it has effect in the United Kingdom, shall apply to the Isle of Man in relation to —

(a) the making of references and applications to the tribunal;

(b) proceedings before the tribunal; and

(c) the fees charged in respect of such proceedings, subject to such modifications as the Governor in Council, with the concurrence of the Lord Chancellor, may by order prescribe.

(2) An order under sub-paragraph (1) shall not have effect unless it is approved by Tynwald.”.

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- 31.—(1) Schedule 7 shall have effect subject to the following modifications.
- (2) In paragraph 40(1) —
- (a) in paragraph (a), for “United Kingdom” substitute “Isle of Man”; and
- (b) for paragraph (b) substitute —
- “(b) no Order in Council made under section 32 of this Act as it has effect in the United Kingdom, applying any provisions of this Act in the case of that country, has been extended so as to come into force in the Isle of Man on or before that date.”.
- (3) In paragraph 40(2), in paragraph (b), for “coming into operation” substitute “extension to the Isle of Man”.
- (4) Omit paragraph 41.
- (5) In paragraph 46(1), at the end insert “whether or not that section has been extended to the Isle of Man”.
- (6) In paragraph 46(2), for “United Kingdom” substitute “Isle of Man”.
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SCHEDULE 2

Article 4

EXCEPTIONS AND MODIFICATIONS TO THE COPYRIGHT (COMPUTER SOFTWARE)
AMENDMENT ACT 1985 AS EXTENDED TO THE ISLE OF MAN

1. References to the Copyright Act 1956 shall be construed as references to that Act as it has effect in the Isle of Man.
2. In section 3, for “to 21B” substitute “and 21A”.
3. In section 4 —
- (a) omit subsections (3) and (5); and
- (b) in subsection (4)(a) and (b), for “the commencement of this Act” substitute “the extension of this Act to the Isle of Man”.
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EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order revokes and replaces the Copyright (Isle of Man) Order 1959 (together with amending Orders). It extends to the Isle of Man the Copyright Act 1956, as amended, subject to the exceptions and modifications specified in Schedule 1 to the Order, and the Copyright (International Organisations) Order 1957 made thereunder. The Order also extends to the Isle of Man the Copyright (Computer Software) Amendment Act 1985 (which applies the Copyright Act 1956 to computer programs), subject to the exceptions and modifications specified in Schedule 2 to the Order.

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