

STATUTORY INSTRUMENTS

2019 No. 605

The Intellectual Property (Copyright and Related Rights) (Amendment) (EU Exit) Regulations 2019

PART 2

Amendments to the Copyright, Designs and Patents Act 1988

Amendments to the Copyright, Designs and Patents Act 1988

2. The Copyright, Designs and Patents Act 1988 ^{M1} is amended in accordance with this Part.

Commencement Information

- I1** Reg. 2 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

- M1** [1988 c.48](#).

3. In section 6A (safeguards in case of certain satellite broadcasts) ^{M2}—
- (a) for “an EEA State”, in each place it occurs, substitute “ the United Kingdom ”;
 - (b) in subsection (2)(a), for “that place” substitute “ the United Kingdom ”;
 - (c) in subsection (3)(b), for “the place in which he has his principal establishment in the European Economic Area” substitute “ the United Kingdom ”.

Commencement Information

- I2** Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

- M2** Section 6A was inserted by [S.I. 1996/2967](#), amended by [S.I. 2003/2498](#).

4. In section 12(6) and (8)(c) (duration of copyright in literary, dramatic, musical or artistic works) ^{M3}, for “an EEA state”, in each place it occurs, substitute “ the United Kingdom ”.

Commencement Information

I3 Reg. 4 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

M3 Section 12 was substituted by [S.I. 1995/3297](#), amended by the [Government of Wales Act 2006 \(c.32\)](#), section 160(1), [Schedule 10](#), paragraphs 22,23, [S.I. 2003/2498](#), [S.I. 2013/1782](#).

5. In section 13A(4) (duration of copyright in sound recordings)^{M4}, for “an EEA state” substitute “the United Kingdom”.

Commencement Information

I4 Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

M4 Section 13A was substituted by [S.I. 1995/3297](#), amended by [S.I. 2003/2498](#), [S.I. 2013/1782](#).

6. In section 13B(7) and (8) (duration of copyright in films)^{M5}, for “an EEA state”, in each place it occurs, substitute “the United Kingdom”.

Commencement Information

I5 Reg. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

M5 Section 13B was substituted by [S.I. 1995/3297](#), amended by [S.I. 2003/2498](#).

7. In section 14(3) (duration of copyright in broadcasts)^{M6}, for “an EEA state” substitute “the United Kingdom”.

Commencement Information

I6 Reg. 7 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

M6 Section 14 was substituted by [S.I. 1995/3297](#), amended by [S.I. 2003/2498](#).

8. In section 15A(4) (meaning of country of origin)^{M7}—
(a) for sub-paragraph (a) substitute—

- “(a) if the United Kingdom is one of those countries, the country of origin is the United Kingdom; and”;
- (b) in sub-paragraph (b), for “if none of those countries is an EEA state” substitute “ if the United Kingdom is not one of those countries ”.

Commencement Information

I7 Reg. 8 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

M7 Section 15A was inserted by [S.I. 1995/3297](#).

- 9.** In section 31B(1) and (9) (making and supply of accessible copies by authorised bodies) ^{M8} omit “or another member State of the European Union” in each place it occurs.

Commencement Information

I8 Reg. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

M8 Section 31B was amended by [S.I. 2018/995, regulation 5](#).

- 10.** In section 31BB(4)(b) (accessible and intermediate copies: records and notification) ^{M9}, for “another” substitute “ a ”.

Commencement Information

I9 Reg. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

M9 Section 31BB was amended by [S.I. 2018/995, regulation 7](#).

- 11.** Omit section 44B (permitted uses of orphan works) ^{M10}.

Commencement Information

I10 Reg. 11 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

M10 Section 44B was inserted by [S.I. 2014/2861](#).

12. Omit section 76A (certain permitted uses of orphan works) ^{M11}.

Commencement Information

I11 Reg. 12 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

M11 Section 76A was inserted by [S.I. 2014/2861](#).

13. In section 144A(1) (collective exercise of certain rights in relation to cable re-transmission) ^{M12}, for “another” substitute “an”.

Commencement Information

I12 Reg. 13 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

M12 Section 144A was inserted by [S.I. 1996/2967](#), amended by [S.I. 2003/2498](#), [S.I. 2006/1028](#).

14. In section 154(1) (qualification by reference to author) ^{M13}—

- (a) in paragraph (a), omit “a national of another EEA state,”;
- (b) in paragraphs (b) and (c), omit “or another EEA state”.

Commencement Information

I13 Reg. 14 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

M13 Section 154 was amended by the [British Overseas Territories Act 2002 \(c.8\)](#), [section 2\(3\)](#), the [Intellectual Property Act 2014 \(c.18\)](#), [section 22\(1\)](#), [S.I. 1995/3297](#), [S.I. 2003/2498](#).

15. In section 155(1)(a) (qualification by reference to country of first publication) ^{M14} omit “another EEA state,”.

Commencement Information

I14 Reg. 15 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

M14 Section 155 was amended by the [Intellectual Property Act 2014 \(c.18\)](#), [section 22\(2\)](#).

16. In section 156(1)(a) (qualification by reference to place of transmission)^{M15} omit “another EEA state,”.

Commencement Information

I15 Reg. 16 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

M15 Section 156 was amended by the [Intellectual Property Act 2014 \(c.18\)](#), [section 22\(3\)](#), S.I. 2003/2498.

17. In section 170 (transitional provisions and savings)^{M16} omit subsection (3).

Commencement Information

I16 Reg. 17 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

M16 Section 170 was amended by the [Enterprise and Regulatory Reform Act 2013 \(c.24\)](#), [section 76](#).

18. In section 172A (meaning of EEA and related expressions)^{M17} omit subsection (2).

Commencement Information

I17 Reg. 18 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

M17 Section 172A was inserted by [S.I. 1995/3297](#), amended by [S.I. 1996/2967](#), [S.I. 2006/1028](#).

19. In section 178 (minor definitions)^{M18}, at the appropriate place insert—

““national of the United Kingdom” means—

- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas Citizen,
- (b) a person who under the British Nationality Act 1981 is a British subject,
- (c) a British protected person within the meaning of that Act, or
- (d) a body incorporated under the law of any part of the United Kingdom.”

Commencement Information

I18 Reg. 19 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

M18 Section 178 was amended by the Northern Ireland Act 1998 (c.47), section 99, **Schedule 13**, para 8(7), the Scotland Act 1998 (c.46), section 125(1), **Schedule 8**, para 25(7), the Government of Wales Act 2006 (c.32), section 160(1), **Schedule 10**, paras 22,29, S.I.1996/2967, S.I. 2003/2498.

20. In section 179 (index of defined expressions) ^{M19}—

- (a) in the entry for “the EEA, EEA state and national of an EEA state”, for “, EEA state and national of an EEA state” substitute “ and EEA state ”;
- (b) at the appropriate place insert—

“national of the United Kingdom section 178”.

Commencement Information

I19 Reg. 20 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

Marginal Citations

M19 Section 179 was amended by the Broadcasting Act 1990 (c.42), **section 175(3)**, the Northern Ireland Act 1998 (c.47), section 99, **Schedule 13**, paragraph 8(8), the Scotland Act 1998 (c.46), section 125, **Schedule 8**, para 25(8), the Copyright (Visually Impaired Persons) Act 2002 (c.33), **section 7(2)**, the Government of Wales Act 2006 (c.32), section 160(1), **Schedule 10**, paragraphs 22,30, S.I. 1992/3233, S.I. 1995/3297, S.I. 1996/2967, S.I. 1997/3032, S.I. 2003/2498, S.I. 2006/1028, S.I. 2014/1372, S.I. 2014/1384.

21. In section 191(4) (duration of rights) ^{M20}, for “an EEA state” substitute “ the United Kingdom ”.

Commencement Information

I20 Reg. 21 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

Marginal Citations

M20 Section 191 was amended by S.I. 1995/3297, S.I. 1996/2967, S.I. 2003/2498, S.I. 2006/18, S.I. 2013/1782.

22. In section 206(1) (qualifying countries, individuals and persons) ^{M21} omit paragraph (b).

Commencement Information

I21 Reg. 22 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1(2)

Marginal Citations

M21 Section 206 was amended by the [British Overseas Territories Act 2002 \(c.8\)](#), [section 2\(3\)](#), the [Intellectual Property Act 2014 \(c.18\)](#), [section 22\(5\)](#), (6), (7).

23. Omit Schedule ZA1 (certain permitted uses of orphan works) ^{M22}.

Commencement Information

I22 Reg. 23 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

M22 Schedule ZA1 was inserted by [S.I. 2014/2861](#).

24. In Schedule 1 (copyright: transitional provisions and savings) ^{M23}, in paragraph 6(1A), for “another” substitute “an”.

Commencement Information

I23 Reg. 24 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

M23 Schedule 1 was amended by the [British Overseas Territories Act 2002 \(c.8\)](#), [s1\(2\)](#), the [Enterprise and Regulatory Reform Act 2013 \(c.24\)](#), [s 74\(1\)](#), (3)(b), [S.I. 2003/2498](#), [S.I. 2006/1210](#).

25. In Schedule 2 (rights in performances: permitted acts) ^{M24}—

- (a) in paragraph 3B(1) omit “or another member State of the European Union”;
- (b) in paragraph 3B(8) omit “or in another member State of the European Union”;
- (c) in paragraph 3D(4)(b), for “another” substitute “a”.

Commencement Information

I24 Reg. 25 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see reg. 1(2)

Marginal Citations

M24 Schedule 2 was amended by [S.I. 2018/995](#), [regulations 12 to 16](#).

Changes to legislation:

There are currently no known outstanding effects for the The Intellectual Property (Copyright and Related Rights) (Amendment) (EU Exit) Regulations 2019, PART 2.