



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART I

COPYRIGHT

CHAPTER VI

REMEDIES FOR INFRINGEMENT

Supplementary

113 Period after which remedy of delivery up not available.

- (1) An application for an order under section 99 (order for delivery up in civil proceedings) may not be made after the end of the period of six years from the date on which the infringing copy or article in question was made, subject to the following provisions.
- (2) If during the whole or any part of that period the copyright owner—
 - (a) is under a disability, or
 - (b) is prevented by fraud or concealment from discovering the facts entitling him to apply for an order,an application may be made at any time before the end of the period of six years from the date on which he ceased to be under a disability or, as the case may be, could with reasonable diligence have discovered those facts.
- (3) In subsection (2) “disability”—
 - (a) in England and Wales, has the same meaning as in the ^{M1}Limitation Act 1980;
 - (b) in Scotland, means legal disability within the meaning of the ^{M2}Prescription and Limitation (Scotland) Act 1973;
 - (c) in Northern Ireland, has the same meaning as in the ^{M3}Statute of Limitations (Northern Ireland) 1958.

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 113. (See end of Document for details)

- (4) An order under section 108 (order for delivery up in criminal proceedings) shall not, in any case, be made after the end of the period of six years from the date on which the infringing copy or article in question was made.

Marginal Citations

M1 1980 c. 58.

M2 1973 c. 52.

M3 1958 c. 10 (N.I.).

Changes to legislation:

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 113.