



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART I

#### COPYRIGHT

#### CHAPTER X

##### MISCELLANEOUS AND GENERAL

##### *Crown and Parliamentary copyright*

#### **163 Crown copyright.**

- (1) Where a work is made by Her Majesty or by an officer or servant of the Crown in the course of his duties—
  - (a) the work qualifies for copyright protection notwithstanding section 153(1) (ordinary requirement as to qualification for copyright protection), and
  - (b) Her Majesty is the first owner of any copyright in the work.

[<sup>F1</sup>(1A) For the purposes of this section, works made by Her Majesty include any sound recording, film, live broadcast or live cable programme of the proceedings of the National Assembly for Wales (including proceedings of a committee of the Assembly or of a sub-committee of such a committee) which is made by or under the direction or control of the Assembly; but a work shall not be regarded as made by or under the direction or control of the Assembly by reason only of its being commissioned by or on behalf of the Assembly.]

- (2) Copyright in such a work is referred to in this Part as “Crown copyright”, notwithstanding that it may be, or have been, assigned to another person.
- (3) Crown copyright in a literary, dramatic, musical or artistic work continues to subsist—
  - (a) until the end of the period of 125 years from the end of the calendar year in which the work was made, or

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**Status:** Point in time view as at 02/12/1999. This version of this provision has been superseded.

**Changes to legislation:** There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 163. (See end of Document for details)

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- (b) if the work is published commercially before the end of the period of 75 years from the end of the calendar year in which it was made, until the end of the period of 50 years from the end of the calendar year in which it was first so published.
- (4) In the case of a work of joint authorship where one or more but not all of the authors are persons falling within subsection (1), this section applies only in relation to those authors and the copyright subsisting by virtue of their contribution to the work.
- (5) Except as mentioned above, and subject to any express exclusion elsewhere in this Part, the provisions of this Part apply in relation to Crown copyright as to other copyright.
- (6) This section does not apply to a work if, or to the extent that, Parliamentary copyright subsists in the work (see sections 165 [<sup>F2</sup>to [<sup>F3</sup>166B]]).

#### Textual Amendments

- F1** S. 163(1A) inserted (1.4.1999) by 1998 c. 38, s. 125, **Sch. 12 para. 28** (with ss. 139(2), 143(2)); S.I. 1999/782, **art. 2**
- F2** Words in s. 163(6) substituted (6.5.1999) by 1998 c. 46, s. 125(1), **Sch. 8 para. 25(4)**; S.I. 1998/3178, **art. 2(2)**, **Sch. 3**
- F3** Words in s. 163(6) substituted (2.12.1999) by 1998 c. 47, ss. 99, 101(3), **Sch. 13 para. 8(4)** (with s. 95)

**Status:**

Point in time view as at 02/12/1999. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 163.