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 STATUTORY INSTRUMENTS
 

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1979 No. 910

## COPYRIGHT

**The Copyright (Hong Kong) (Amendment) Order 1979**

*Made* - - - - - 26th July 1979  
*Laid before Parliament* 3rd August 1979  
*Coming into Operation* 24th August 1979

At the Court of Saint James, the 26th day of July 1979

Present,

The Counsellors of State in Council .

Whereas Her Majesty, in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the 16th day of July 1979, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and His Royal Highness The Prince Charles, Prince of Wales, being authorised thereto by the said Letters Patent, and in pursuance of the powers conferred by section 31(1) of the Copyright Act 1956(a) and all other powers enabling Her Majesty, and by and with the advice of Her Majesty's Privy Council, do on Her Majesty's behalf order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Copyright (Hong Kong) (Amendment) Order 1979, and shall be construed as one with the Copyright (Hong Kong) Order 1972(b) (hereinafter referred to as “the principal Order”).

(2) The principal Order and this Order may be cited together as the Copyright (Hong Kong) Orders 1972 and 1979.

(3) This Order shall come into operation on 24th August 1979.

2. Schedule 1 to the principal Order is amended:

(a) in Part I by the deletion of all the words following “All the provisions of the Act” and the substitution of the words “, as amended by the Dramatic and Musical Performers' Protection Act 1958(c), the Films Act 1960(d), the Design Copyright Act 1968(e) and the Copyright (Amendment) Act 1971(f), except sections 28, 32, 34, 35, 42 and 55 and Schedule 5.”;

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(a) 1956 c. 74.  
 (d) 1960 c. 57.

(b) S.I. 1972/1724.  
 (e) 1968 c. 68.

(c) 1958 c. 44.  
 (f) 1971 c. 4.

(b) in paragraph 3 of Part II (which paragraph specifies modifications in the extension of certain sections to Hong Kong):—

- (i) in the entry in the table thereto relating to section 47, in the second column (Modification), by the deletion of the words “ in subsection (4), “or rules” shall be omitted”;
- (ii) in the entry in the said table relating to Schedule 7, by the deletion of all the words in the second column and the substitution of the following—  
“Paragraphs 26, 40 and 41 shall be omitted.”;
- (iii) by the insertion in the said table in the appropriate place (having regard to numerical order) of the entries in the following table:—

Provisions	Modification
Section 23 ...	<p>For subsection (2) there shall be substituted the following:—</p> <p>“(2) The tribunal shall consist of a chairman who shall be a person qualified for appointment as a District Judge under section 5 of the District Court Ordinance (Chapter 336), and of not less than 2 nor more than 4 other members, all of whom shall be appointed from time to time by the Governor.”;</p> <p>for subsections (5) and (6) there shall be substituted the following:—</p> <p>“(5) There shall be a clerk to the tribunal who shall be appointed by the Governor.</p> <p>(6) The remuneration of the chairman and other members of the tribunal and of the clerk to the tribunal shall be determined by the Governor and shall be payable out of the general revenue of the Colony.”;</p> <p>subsection (7) shall be omitted.</p>
Section 24 ...	<p>For subsection (3)(c) there shall be substituted the following:—</p> <p>“(c) in relation to such licences as are mentioned in paragraph (c) of the last preceding subsection, means a licensee under the Television Ordinance (Chapter 52):”.</p>
Section 30 ...	<p>For subsection (6) there shall be substituted the following:—</p> <p>“(6) In this section “the court” means the Court of Appeal of Hong Kong.”.</p>
Schedule 4 ...	<p>In paragraph 1(2), for “Board of Trade, or, in the case of the chairman of the tribunal, to the Lord Chancellor,” there shall be substituted “Governor”;</p>

Provisions	Modification
	<p>in paragraph 1(3), for "Board of Trade, or, in the case of the chairman of the tribunal, the Lord Chancellor," there shall be substituted "Governor";</p> <p>in paragraph 2, for "Board of Trade, or, in the case of the chairman of the tribunal, the Lord Chancellor," there shall be substituted "Governor";</p> <p>in paragraph 6(1) for "Lord Chancellor" there shall be substituted "Chief Justice", and  ", subject to the approval of the Treasury," shall be omitted;</p> <p>for paragraph 6(2) there shall be substituted the following:—</p> <p>"(2) Any such rules may apply in relation to the tribunal any of the provisions of the Arbitration Ordinance (Chapter 341)."</p>

*N. E. Leigh,*  
Clerk of the Privy Council.

#### EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order amends the Copyright (Hong Kong) Order 1972 (by which, with certain modifications and exceptions, the provisions of the Copyright Act 1956 were extended to Hong Kong) so as to extend to Hong Kong, again with certain modifications and exceptions, those provisions of the Act relating to the establishment and jurisdiction of the Performing Right Tribunal.

The effect of the amendments is to establish a Performing Right Tribunal in and for Hong Kong, with a jurisdiction broadly similar to that of the United Kingdom tribunal. Members of the Hong Kong tribunal will be appointed by the Governor.

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