
STATUTORY INSTRUMENTS

1999 No. 676

COPYRIGHT

DEVOLUTION, SCOTLAND

The Parliamentary Copyright (Scottish Parliament) Order 1999

Made - - - - *10th March 1999*
Laid before Parliament *22nd March 1999*
Coming into force - - *6th May 1999*

At the Court at Buckingham Palace, the 10th day of March 1999

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 165(7) of the Copyright, Designs and Patents Act 1988⁽¹⁾ and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Parliamentary Copyright (Scottish Parliament) Order 1999 and shall come into force on 6th May 1999.

(2) In this Order—

“the Act” means the Copyright, Designs and Patents Act 1988.

Modification of section 165 of the Act

2. In the application of section 165 (parliamentary copyright) of the Act to works made by or under the direction or control of the Scottish Parliament, it shall be read as if—

(a) references to “the House of Commons or the House of Lords”, “that House” or “either House” were references to “the Scottish Parliament”;

(b) for subsection (1)(b) there were substituted—

“(b) the Scottish Parliamentary Corporate Body⁽²⁾ is the first owner of any copyright in the work.”;

(1) 1988 c. 48.

(2) Established by section 21 of the Scotland Act 1998 (c. 46).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (c) the reference in subsection (4)(a) to “employee” were a reference to “member of the staff”;
and
- (d) in subsection (4) –
“officer” meant the Presiding Officer and any deputy, elected under section 19 of the Scotland Act 1998;
“proceedings” included proceedings of any committee or sub-committee; and
“staff” had the same meaning as “staff of the Parliament” in the Scotland Act 1998⁽³⁾.

A K Galloway
Clerk of the Privy Council

(3) Section 127 of, and paragraph 3 of Schedule 2 to the Scotland Act 1998 provide the definition of “staff of the Parliament”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order modifies the provisions of section 165 of the Copyright, Designs and Patents Act 1988 (Parliamentary copyright), so that its provisions apply with modifications to works made by or under the direction or control of the Scottish Parliament. By virtue of subsection (7) of section 165, the provisions of that section apply not only in respect of works made by or under the direction or control of the House of Commons or the House of Lords, but also, subject to any exceptions or modifications specified by Order in Council, to works made by or under the direction or control of any other legislative body of a country to which Part I of the 1988 Act applies. The application of Part I extends to Scotland.

The Order requires provisions of section 165 to be read as if:

- (a) various references to the House of Commons or the House of Lords were references to the Scottish Parliament; and
- (b) where there is Parliamentary copyright in a work, the Scottish Parliamentary Corporate Body is the first owner of any copyright in the work.