

## SCHEDULE

### PART 2

#### **Modifications to the provisions of Part 1 of the 1988 Act applied by this Order**

**55.** Sections 165 to 169(1) apply as modified and set out as follows—

##### **“165 Parliamentary copyright**

(1) Where a work is made by or under the direction or control of the Legislative Assembly—

- (a) the work qualifies for copyright protection notwithstanding section 153(1) (ordinary requirement as to qualification for copyright protection); and
- (b) the Legislative Assembly owns any copyright in the work.

(2) Copyright in such a work is referred to in this Part as “parliamentary copyright”, notwithstanding that it may be, or have been, assigned to another person.

(3) Parliamentary copyright in a literary, dramatic, musical or artistic work continues to subsist until the end of the period of 50 years from the end of the calendar year in which the work was made.

(4) For the purposes of this section, works made by or under the direction or control of the Legislative Assembly include—

- (a) any work made by an officer or employee of the Legislative Assembly in the course of his duties; and
- (b) any sound recording, film, or live broadcast of the proceeding in the Legislative Assembly,

but a work shall not be regarded as made by or under the direction or control of the Legislative Assembly by reason only of its being commissioned by or on behalf of the Legislative Assembly.

(5) In the case of a work of joint authorship where one or more but not all of the authors are acting on behalf of, or under the direction or control of, the Legislative Assembly, this section applies only in relation to those authors and the copyright subsisting by virtue of their contribution to the work.

(6) Except as mentioned above, and subject to any express exclusion elsewhere in this Part, the provisions of this Part apply in relation to parliamentary copyright as to other copyright.

##### **166 Copyright in Bills**

(1) Copyright in every Bill introduced into the Legislative Assembly belongs, in accordance with the following provisions, to the Legislative Assembly.

(2) Copyright in a public Bill belongs to the Legislative Assembly and subsists from the time when the text of the Bill is handed in to the appropriate officer of the Assembly.

(3) Copyright in a private Bill belongs to the Legislative Assembly and subsists from the time when a copy of the Bill is first handed in to the appropriate officer of the Assembly.

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(1) Section 165 was amended by [S.I. 2003/2498](#), regulation 2(1), Schedule 1, Part 1, paragraphs 1 and 11(b) and modified by [S.I. 2007/1116](#).

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- (4) Copyright under this section ceases—
- (a) on Governor’s Assent; or
  - (b) if the Bill does not receive Governor’s Assent, on the withdrawal or rejection of the Bill or the end of the Session.

(5) References in this Part to parliamentary copyright (except in section 165) include copyright under this section; and, except as mentioned above, the provisions of this Part apply in relation to copyright under this section as to other parliamentary copyright.

(6) No other copyright, or right in the nature of copyright, subsists in a Bill after copyright has once subsisted under this section; but without prejudice to the subsequent operation of this section in relation to a Bill which, not having passed in one Session, is reintroduced in a subsequent Session.

### **167 The Legislative Assembly: supplementary provisions**

(1) For the purposes of holding, dealing with and enforcing copyright, and in connection with all legal proceedings relating to copyright, the Legislative Assembly shall be treated as having the legal capacities of a body corporate, which shall not be affected by a prorogation or dissolution.

(2) The functions of the Legislative Assembly as owner of copyright shall be exercised by the Speaker on behalf of the Legislative Assembly; and, if so authorised by the Speaker, or in case of a vacancy in the office of Speaker, those functions may be discharged by the Deputy Speaker.

(3) For this purpose a person who on the dissolution of the Legislative Assembly was Speaker or Deputy Speaker of the Legislative Assembly may continue to act until the corresponding appointment is made in the next Session of the Legislative Assembly.

(4) Legal proceedings relating to copyright shall be brought by or against the Legislative Assembly in the name of “The Speaker of the Legislative Assembly”.

### **168 Copyright vesting in certain international organisations**

- (1) Where an original literary, dramatic, musical or artistic work—
- (a) is made by an officer or employee of, or is published by, an international organisation to which this section applies; and
  - (b) does not qualify for copyright protection under section 154 (qualification by reference to author) or section 155 (qualification by reference to country of first publication),

copyright nevertheless subsists in the work by virtue of this section and the organisation is first owner of that copyright.

(2) The international organisations to which this section applies are those as to which the Cabinet has by order declared that it is expedient that this section should apply.

(3) Copyright of which an international organisation is first owner by virtue of this section continues to subsist until the end of the period of 50 years from the end of the calendar year in which the work was made or such longer period as may be specified by the Cabinet by order, for the purpose of complying with the international obligations of the Cayman Islands.

(4) An international organisation to which this section applies shall be deemed to have, and to have had at all material times, the legal capacities of a body corporate for the purpose of holding, dealing with and enforcing copyright and in connection with all legal proceedings relating to copyright.

(5) An order made under this section is subject to annulment by a negative resolution of the legislative assembly.

### **169 Folklore etc.: anonymous unpublished works**

(1) Where in the case of an unpublished literary, dramatic, musical or artistic work of unknown authorship there is evidence that the author (or, in the case of a joint work, any of the authors) was a qualifying individual by connection with a country outside the Islands, it shall be presumed until the contrary is proved that he was such a qualifying individual and that copyright accordingly subsists in the work, subject to the provisions of this Part.

(2) If under the law of that country a body is appointed to protect and enforce copyright in such works, the Cabinet may by order designate that body for the purposes of this section.

(3) A body so designated shall be recognised in the Islands as having authority to do in place of the copyright owner anything, other than assign copyright, which it is empowered to do under the law of that country; and it may, in particular, bring proceedings in its own name.

(4) In subsection (1), a “qualifying individual” means an individual who at the material time (within the meaning of section 154) was a person whose works qualified under that section for copyright protection.

(5) This section does not apply if there has been an assignment of copyright in the work by the author of which notice has been given to the designated body; and nothing in this section affects the validity of an assignment of copyright made, or licence granted, by the author or a person lawfully claiming under him.

(6) An order made under this section is subject to annulment by a negative resolution of the Legislative Assembly.”.