



MONTERRAT

CHAPTER 15.10

COPYRIGHT and Subsidiary Legislation

Revised Edition
showing the law as at 1 January 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

COPYRIGHT (MONTERRAT) ORDER

S.I. 1965 No. 1858

Amended by: UK S.I. 1985 No. 1987

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COPYRIGHT (SINGAPORE) ORDER

S.I. 1987 No. 940

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CHAPTER 15.10

COPYRIGHT

U.K. STATUTORY INSTRUMENT 1965 NO. 1858

THE COPYRIGHT (MONTSERRAT) ORDER 1965

Made 29th October 1965

Laid before Parliament 4th November 1965

Coming into Operation 5th November 1965

At the Court at Buckingham Palace, the 29th day of October 1965

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by and with the advice of Her Privy Council, and by virtue of the authority conferred upon Her by section 31 of the Copyright Act 1956(a) and of all other powers enabling Her in that behalf, is pleased to direct, and it is hereby directed, as follows—

1. The provisions of the Copyright Act 1956 specified in Part I of Schedule 1 hereto shall extend to Montserrat subject to the modifications specified in Part II of that Schedule.

2. The Copyright (International Conventions) Order 1964(b), the Copyright (International Organisations) Order 1957f(c), as amended(d), and the Copyright (Broadcasting Organisations) Order 1961(e) (being Orders in Council made under Part V of the said Act) shall extend to Montserrat subject, in the case of the first mentioned Order, to the modifications specified in Schedule 2 hereto.

3. The Interpretation Act 1889(f) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

4. This Order may be cited as the Copyright (Montserrat) Order 1965 and shall come into operation on 5th November 1965.

W. G. Agnew.

- (a) 4 & 5 Eliz. 2. c. 74.
- (b) S.I. 1964/690 (1964 II, p. 1319).
- (c) S.I. 1957/1524 (1937 I, p. 483).
- (d) S.I. 1958/1052 (1958 I, p. 363).
- (e) S.I. 1961/2460 (1961 III, p. 4505).
- (f) 52 & 53 Vict. c. 63.

SCHEDULE 1

PART I

PROVISIONS OF THE COPYRIGHT ACT 1956 EXTENDED TO MONTserrat

All the provisions of the Act, as amended by the Performers' Protection Act 1958 and 1963 (a) and the Films Act 1960 (b), except sections 23 to 30, 32, 34, 35, 42 and 44, and Schedules 4, 5 and 9.

PART II

MODIFICATIONS TO THE PROVISIONS EXTENDED

General Modifications

1. In sections 7, 8(11) and 15(4) for the references to the Board of Trade there shall be substituted references to the Governor in Council.

2. In sections 8(1) and 8(10), 12(6), 21(1) and 21(6), 22(2) and 22(3), 43, 48(4) and 49(2) and paragraph 46 of Schedule 7, for "the United Kingdom" there shall be substituted "Montserrat".

Particular Modifications

3. The provisions mentioned in the first column in the following table shall be modified in the manner specified in the second column.

<i>Provision</i>	<i>Modification</i>
Section 8	<p>In subsections (2) and (4), for references to farthings there shall be substituted references to cents;</p> <p>for subsection (3) there shall be substituted the following—</p> <p>“(3) If at any time the Board of Trade by order made under this section in its operation in the law of the United Kingdom prescribe either generally or in relation to any one or more classes of records any different rate of, or minimum amount of, royalty the provisions of this section shall be construed subject to the provisions of any such order as is for the time being in force, provided that any reference in such an order to any sum of money shall be construed as a reference to the equivalent amount in the currency of legal tender in</p>

(a) 6 & 7 Eliz. 2. c. 44 and 1963 c. 53.

(b) 8 & 9 Eliz. 2. c. 57.

- Montserrat as provided by any law of Montserrat.”;
- in subsection (4)(a), all the words after the first reference to works shall be omitted.
- Section 10 For subsection (5) there shall be substituted the following—
- “(5) For the purposes of this section a design shall be taken as being applied industrially if it is applied in the circumstances for the time being prescribed by rules made by the Board of Trade under this section and section 36 of the Registered Designs Act 1949 as extended by this section in the law of the United Kingdom.”.
- Section 13 For subsection (3) there shall be substituted the following—
- “(3) Copyright subsisting in a cinematograph film by virtue of this section shall continue to subsist until the film is published and thereafter until the end of the period of fifty years from the end of the calendar year which includes the date of its first publication and shall then expire, or, if copyright subsist in the film by virtue only of the last preceding subsection, it shall continue to subsist as from the date of first publication until the end of the period of fifty years from the end of the calendar year which includes that date and shall then expire.”;
- in subsection (8), for “any such film as in mentioned in paragraph (a) of subsection (1) of section 38 of the Films Act 1960 (which relates to newsreels)” there shall be substituted “any film consisting wholly or mainly of photographs which, at the time they were taken, were means of communicating news”;
- subsection (11) shall be omitted.
- Section 17 There shall be inserted, after subsection (4), the following subsection—
- “(4A) No action in respect of an infringement of copyright shall be commenced after the expiration of a period of six years from the date at which the right of action accrued.”;
- subsection (6) shall be omitted.
- Section 18 In subsection (1) for the proviso there shall be substituted the following—
- “Provided that where a cause of action in respect of the conversion of or detention by any person of any such copy or plate has accrued under this subsection to the owner of the copyright, and notwithstanding that before he recovers possession of such copy or plate, a further conversion or detention takes place, the owner of the

- copyright shall not be entitled to any rights or remedies under this subsection in respect of anything done in relation to that copy or plate after the expiration of six years from the accrual of the cause of action in respect of the original conversion or detention.”;
- subsection (4) shall be omitted.
- Section 21 In subsections (7) and (8), for the words “forty shillings” and “fifty pounds” there shall be substituted respectively “\$10” and “\$250”; after subsection (8), there shall be inserted the following subsection—
- “(8A) A person charged with an offence under this section may be tried summarily by the Magistrate in accordance with the provisions of the Magistrate’s Court Act in the law of Montserrat.”;
- for subsection (10) there shall be substituted the following—
- “(10) An appeal shall lie to the Court of Appeal of the Windward Islands and Leeward Islands from any order made under the last preceding subsection.”
- Section 22 In subsection (1), for “the Commissioners of Customs and Excise (in this section referred to as “the Commissioners”)” there shall be substituted “the Treasurer” and, subject to the modification to subsection (4) hereinafter mentioned, for subsequent references to the said Commissioners there shall be substituted references to the said Treasurer;
- in subsection (4), for “the Commissioners”, where the words first occur, there shall be substituted “the Governor in Council”, and for “the Commissioners consider” there shall be substituted “the Governor in Council considers”;
- for subsection (6) there shall be substituted the following—
- “(6) Any fees paid in pursuance of regulations made under this section shall be treated as monies collected on account of the general revenue.”;
- subsection (7) shall be omitted.
- Section 31 Subsections (1) and (2) shall be omitted;
- in subsection (4), for “the United Kingdom” there shall be substituted “Montserrat” and for “in a country” there shall be substituted “in the United Kingdom or in any country other than Montserrat.”

- Section 33 For subsection (1) there shall be substituted the following:
- “(1) An organisation to which this section applies is one declared to be such by an Order in Council made under this section as part of the law of the United Kingdom which has been extended, in relation to that organisation, to Montserrat.”.
- Section 37 Subsection (4) shall be omitted.
- Section 39 Subsection (8) shall be omitted.
- Section 40 Subsection (3) shall be omitted;
- in subsection (4), for “either of the two last preceding subsections” there shall be substituted “the last preceding subsection” and “or the programme to be transmitted, as the case may be” shall be omitted;
- in subsection (5), the reference to a work shall be omitted.
- Section 41 In subsection (7), for the definition of “school” there shall be substituted “school” has the different meanings assigned to it in the Education Act 1956 (No.11 of 1956) in the Law of Montserrat;”
- Section 46 Subsection (1) shall be omitted;
- in subsection (2), “(including any enactment of the Parliament of Northern Ireland)” shall be omitted.
- Section 47 The whole section except subsection (4) shall be omitted.
- in subsection (4), “or rules” shall be omitted.
- Section 50 For subsection (2) there shall be substituted the following—
- “(2) Subject to the said transitional provisions the Copyright Act 1911 and the Copyright Order Confirmation (Mechanical Instruments: Royalties) Act 1928 are hereby repealed.”
- Section 51 For subsection (2) there shall be substituted the following—
- “(2) (a) Any provision of this Act empowering the Governor in Council to make regulations shall come into operation on the commencement of the Order in Council extending that provision to Montserrat.

	<p>(b) All the other provisions of this Act shall come into operation on 5th March 1966”;</p> <p>subsection (3) shall be omitted.</p>
Schedule 1	<p>In paragraph 2, for “section 7 of the Act of 1949” there shall be substituted “section 17 of the Trade Marks Act (cap.150) or section 6 of the Registration of United Kingdom Trade Marks Act 1946 (No.4 of 1946) in the law of Montserrat”.</p>
Schedule 7	<p>Paragraphs 25, 26, 40 and 41 shall be omitted.</p>

SCHEDULE 2

MODIFICATIONS TO THE COPYRIGHT (INTERNATIONAL CONVENTIONS) ORDER 1964

1. (i) Articles 2(1) and 7 to 11 together with Schedules 2 and 4 to 7 shall be omitted.
- (ii) In Article 1, for “any part of the United Kingdom” there shall be substituted “Montserrat”.
- (iii) In Article 2(2), “before 27th September 1957” shall be omitted and there shall be added at the end “if (a) the country is one in the case which this Order applies immediately after the commencement of the Act in Montserrat and the publication took place before such commencement; or (b) the country is one in the case of which this Order applies by reason of the subsequent extension of an amending Order and the publication took place before the date mentioned in relation to that country in Schedule 2 to this Order in its operation in the law of the United Kingdom”.
- (iv) There shall be substituted for Article 2(3) the following—

“(3) In the case of any such country as mentioned in paragraph 2(b) of this Article any relevant provisions of Schedule 7 to the Act shall have effect as if there were substituted for references to the commencement of the Act references to the date so mentioned.”
- (v) In Article 2(4)(a) there shall be added references to Malawi and Zambia.
- (vi) In Schedule 1, there shall be added in Part I a reference to Cameroon, and in Part 2 references to Guatemala, Malawi, New Zealand and Zambia.
- (vii) In Schedule 3, there shall be added references to Czechoslovakia and Brazil and the reference to Congo (Brazzaville) shall be omitted.

UNITED KINGDOM STATUTORY INSTRUMENT 1987 NO. 940

COPYRIGHT

THE COPYRIGHT (SINGAPORE) ORDER 1987

Made 18th May 1987

Laid before Parliament 17th June 1987

Coming into force 18th June 1987

At the Court at Buckingham Palace, the 18th day of May 1987

Present,

The Queen's Most Excellent Majesty in Council

Whereas Her Majesty is satisfied that, in respect of the matters provided for in this Order, provision has been made under the laws of Singapore whereby adequate protection will be given to owners of copyright under the Copyright Act 1956:

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, and by virtue of the authority conferred on Her by sections 31, 32 and 47 of the said Act, is pleased to order, and it is hereby ordered, as follows:

1. (1) This Order may be cited as the Copyright (Singapore) Order 1987 and shall come into force on 18th June 1987.

(2) In this Order—

“the Act” means the Copyright Act 1956; and

“material time” means—

- (i) in relation to an unpublished work or subject-matter, the time at which such work or subject-matter was made or, if the making thereof extended over a period, a substantial part of that period; and
- (ii) in relation to a published work or subject-matter, the time of first publication.

2. Subject to the following provisions of this Order, the provisions of Parts I and II of the Act and all the other provisions of the Act relevant to those Parts shall apply—

- (a) in relation to literary, dramatic, musical or artistic works, sound recordings, cinematograph films or published editions

first published in Singapore as they apply to such works, recordings, films or editions first published in the United Kingdom;

- (b) in relation to persons who at any material time are resident in Singapore as they apply to persons who at such time are resident in the United Kingdom: and
- (c) in relation to bodies incorporated under the laws of Singapore as they apply to bodies incorporated under the laws of any part of the United Kingdom.

or with a view to the reproduction or performance of a work at a time when such reproduction or performance would, but for the making of this Order, have been lawful, nothing in this Order shall diminish or prejudice any right or interest arising from or in connection with such action which is subsisting and valuable immediately before the commencement of this Order unless the person who by virtue of this Order becomes entitled to restrain such reproduction or performance agrees to pay such compensation as, failing agreement, may be determined by arbitration.

5. This Order shall extend to the countries mentioned in the Schedule hereto*, subject to the modification that article 2 above shall have effect as part of the law of any of those countries as if for references to the United Kingdom there were substituted references to the country in question.

G.I. de Doney

Clerk of the Privy Council

* includes Montserrat

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