

2007 No. 1116

COPYRIGHT

DEVOLUTION, WALES

**The Parliamentary Copyright (National Assembly for Wales)
Order 2007**

Made - - - - - *4th April 2007*

Laid before Parliament *11th April 2007*

Coming into force in accordance with article 1(2)

At the Court at Windsor Castle, the 4th day of April 2007

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(a) is pleased, by and with the advice of Her Privy Council, to order, as follows—

Citation and commencement

1.—(1) This Order may be cited as the Parliamentary Copyright (National Assembly for Wales) Order 2007.

(2) This Order shall come into force immediately after the ordinary election under section 3 of the Government of Wales Act 1998 (b) held in 2007.

Modification of section 165 of the Copyright, Designs and Patents Act 1988

2.—(1) This article modifies the effect of section 165 of the Copyright, Designs and Patents Act 1988 (parliamentary copyright) in its application to works made by or under the direction or control of the National Assembly for Wales.

(2) The section has effect as if for subsection (1) there were substituted—

“(1) Where a work is made by or under the direction or control of the National Assembly for Wales—

(a) 1988 c.48.
(b) 1998 c.38.

- (a) the work qualifies for copyright protection notwithstanding section 153(1) (ordinary requirement as to qualification for copyright protection), and
 - (b) the National Assembly for Wales Commission^(a) is the first owner of any copyright in the work.”
- (3) The section has effect as if for subsection (4) there were substituted^(b)—
- “(4) For the purposes of this section, works made by or under the direction or control of the National Assembly for Wales include—
- (a) any work made by a relevant person in the course of his duties, and
 - (b) any sound recording, film or live broadcast of the proceedings of the Assembly (including proceedings of a committee or sub-committee 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.
- (4A) The following are relevant persons for the purposes of subsection (4)—
- (a) the presiding officer of the National Assembly for Wales elected under section 25 of the Government of Wales Act 2006^(c),
 - (b) the deputy presiding officer of the Assembly elected under that section,
 - (c) the members of the Assembly Commission appointed under the standing orders of the Assembly by virtue of section 27(3) of that Act, and
 - (d) the members of the staff of the Assembly, within the meaning of that Act (see paragraph 3(2) of Schedule 2 to that Act).”
- (4) The section has effect as if in subsection (5) for “the House of Commons or the House of Lords” there were substituted “the National Assembly for Wales”.

Meriel McCullagh
Deputy Clerk of the Privy Council

^(a) See section 27 and Schedule 2 to the Government of Wales Act 2006.
^(b) Subsection (4) was amended by the Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), Schedule 1, paragraphs 1 and 11(b).
^(c) 2006 c.32.

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 National Assembly for Wales.

By virtue of subsection (7) of section 165 of the Copyright, Designs and Patents Act 1988 (“the Act”), 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 Act extends. Part I of the Act extends to Wales. By virtue of Part III of the Government of Wales Act 2006, the National Assembly for Wales has legislative powers.

The effect of this Order is that when section 165 is applied to works made by or under the direction or control of the National Assembly for Wales, that section is to be read as if—

subsections (1) and (4) were substituted with the subsections (1) and (4) set out in Article 2 of this Order,

subsection (4A) (also set out in Article 2) were inserted, and

the reference in subsection (5) to “the House of Commons or the House of Lords” were a reference to “the National Assembly for Wales”.

As a result, the National Assembly for Wales Commission is the first owner of any copyright in works made by or under the direction or control of the National Assembly for Wales.

In addition, works made in their course of their duties by—

the Presiding Officer and the Deputy Presiding Officer of the National Assembly for Wales,

members of the National Assembly for Wales Commission, and

members of the staff of the Assembly,

are works made by or under the direction or control of the National Assembly for Wales for the purposes of section 165.

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