

**2016 No. 593 (C. 40)**

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**The Enterprise and Regulatory Reform Act 2013  
(Commencement No. 10 and Saving Provisions) Order 2016**

*Made* - - - -

*18th May 2016*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 100 and 103(3) of the Enterprise and Regulatory Reform Act 2013(a).

**Citation**

1. This Order may be cited as the Enterprise and Regulatory Reform Act 2013 (Commencement No. 10 and Saving Provisions) Order 2016.

**Interpretation**

2.—(1) In this Order—

“commencement date” means 28th July 2016;

“consultation time” means half-past four in the afternoon on 28th October 2015;

“depletion date” means 28th January 2017;

“relevant copy” means a copy of an artistic work that was made in, or imported into, the United Kingdom—

(a) before the consultation time; or

(b) on or after the consultation time but before the depletion date pursuant to a contract entered into before the consultation time;

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

(2) Words and expressions used in this Order have the same meaning as in Part 1 of the 1988 Act.

**Day appointed for the coming into force of section 74**

3. The day appointed for the coming into force of section 74 of the Enterprise and Regulatory Reform Act 2013 is the commencement date.

**Saving provisions – articles made in, or imported into, the United Kingdom**

4.—(1) This article applies to the following acts done on or after the commencement date but before the depletion date—

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(a) 2013 c.24  
(b) 1988 c.48

- (a) the copying of an artistic work;
- (b) the provision of means for making a copy of an artistic work; and
- (c) the importation into the United Kingdom of a copy of an artistic work.

(2) An act of a kind mentioned in paragraph (1) does not constitute an infringement of copyright if—

- (a) that act is done pursuant to a contract entered into before the consultation time; and
- (b) before the commencement date that act would not, by virtue of section 52 of the 1988 Act, have constituted an infringement of copyright.

5. The following acts done on or after the commencement date but before the depletion date do not constitute an infringement of copyright in an artistic work if before the commencement date those acts would not, by virtue of section 52 of the 1988 Act, have constituted an infringement of copyright—

- (a) the issue of a relevant copy to the public;
- (b) the renting or lending of a relevant copy to the public; or
- (c) the communication to the public of the artistic work in connection with anything done in reliance on paragraphs (a) or (b).

*Neville-Rolfe*

Parliamentary Under Secretary of State for Business, Innovation and Skills  
Department for Business, Innovation and Skills

18th May 2016

#### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This is the tenth Commencement Order made under the Enterprise and Regulatory Reform Act 2013 (c.24) (“the Act”).

This Order brings into force section 74 of the Act which repeals section 52 of the Copyright, Designs and Patents Act 1988 (“the 1988 Act”). Section 52 introduced a copyright exception into United Kingdom law relating to the industrial exploitation of artistic works, which limits copyright protection to a period of 25 years from the end of the year in which such articles are first marketed.

The transitional provision in article 4(1) provides for the making, the provision of means for making, or the importation of a copy of an artistic work after the commencement date if it is pursuant to a contract entered into before the consultation time, and before the commencement date that act would not have constituted an infringement of copyright by virtue of section 52 of the 1988 Act. The transitional provision in article 5 provides for what can be done with those copies after commencement, and also with copies that were already in existence before the consultation time (this would cover, for example, the physical sale of such copies and the marketing of those copies by way of online advertising on a website).

#### **NOTE AS TO EARLIER COMMENCEMENT ORDERS**

*(This note is not part of the Order)*

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 7(1)	6th April 2014	2014/253
Section 7(2) (partially)	6th March 2014	2014/253
Section 7(2) (remainder)	6th April 2014	2014/253
Sections 8 and 9	6th April 2014	2014/253
Section 14	29th July 2013	2013/1648
Section 15(10)	29th July 2013	2013/1648

Section 16	6th April 2014	2014/253
Section 19	25th June 2013	2013/1455
Section 23	29th July 2013	2013/1648
Section 25(1) and (2)	1st October 2013	2013/2227
Section 25(3)	1st April 2014	2014/416
Section 25(4)	1st October 2013	2013/2227
Section 26	1st April 2014	2014/416
Section 27	1st October 2013	2013/2227
Sections 29 to 51	1st April 2014	2014/416
Sections 54 to 58	1st April 2014	2014/416
Sections 60 and 61	6th April 2014	2014/416
Section 63 (partially)	25th June 2013	2013/1455
Section 63 (partially)	1st October 2013	2013/2227
Section 63 (partially)	6th April 2014	2014/416
Section 65	1st October 2013	2013/2227
Section 66	6th April 2014	2014/416
Sections 67 to 70	1st October 2013	2013/2227
Section 71	6th April 2016	2016/191
Section 72(1)	25th June 2013	2013/1455
Section 72(2) and (3)	16th December 2013	2013/2979
Section 72(4) (partially)	25th June 2013	2013/1455
Section 72(4) (partially)	1st October 2013	2013/1455
Section 72(4) (partially, in relation to England only)(4)	1st October 2013	2013/1455(a)
Section 72(4) (partially, in relation to England only)	16th December 2013	2013/2979
Section 72(4) (partially)	16th December 2013	2013/2979
Section 72(4) (partially, in relation to England only)	31st December 2014	2013/2979(b)
Section 72(4) (partially in relation to Scotland)	15th September 2014	2014/2481
Section 73 (partially)	1st October 2013	2013/2227
Sections 79 to 82	1st October 2013	2013/2227
Section 90(7)	1st October 2013	2013/2227
Schedule 1, paragraphs 2 and 3	6th March 2014	2014/253
Schedule 1 (remainder)	6th April 2014	2014/253
Schedules 2 and 3	6th April 2014	2014/253
Schedule 4, paragraphs 1 to 18, 20 to 28, 29(1), 31, 32, 34, 35, 51 (partially), 52 (partially), 53 (partially), 59, 60, 61(1) to (4), and 62 to 65	1st October 2013	2013/2227
Schedule 4 (remainder)	1st April 2014	2014/416
Schedules 5 to 13	1st April 2014	2014/416
Schedule 14 (paragraphs 1 to 19 and 23 to 29)	1st April 2014	2014/416
Schedule 15	1st April 2014	2014/416
Schedule 16	6th April 2014	2014/416
In Schedule 17— Paragraphs 1 to 6	1st October 2013	2013/2227

(a) S.I. 2013/1455 (C. 55) was amended by S.I. 2013/2271 (C. 94) in relation to the commencement of this provision.

(b) S.I. 2013/2979 (C. 122) was amended by S.I. 2014/824 (C. 33) and S.I. 2014/2481 in relation to the commencement of this provision.

Paragraph 9	25th June 2013	2013/1455
Paragraph 10	1st October 2013	2013/2227
Paragraph 11	6th April 2014	2014/416
Paragraphs 12 and 13	1st October 2013	2013/2227
Paragraphs 14 to 19	6th April 2014	2014/416
Paragraph 20	25th June 2013	2013/1455
In Schedule 20—		
Paragraph 1	1st October 2013	2013/1455
Paragraph 2 (partially)	25th June 2013	2013/1455
Paragraph 2 (partially in relation to England only)	1st October 2013	2013/1455
Paragraph 2 (partially in relation to England only)	16th December 2013	2013/2979
Paragraph 2 (partially)	16th December 2013	2013/2979
Paragraph 2 (partially in relation to England only)	31st March 2014	2013/2979
Paragraph 2 (partially in relation to Scotland)	15th September 2014	2014/2841
Schedule 21, paragraph 5	1st October 2013	2013/2227

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