
STATUTORY INSTRUMENTS

1989 No. 1997

**BROADCASTING CABLE
PROGRAMME SERVICES**

The Copyright, Designs and Patents
Act 1988 (Guernsey) Order 1989

Made - - - - 1st November 1989
Coming into force - - 1st December 1989

Her Majesty, in pursuance of section 304(5) of the Copyright, Designs and Patents Act 1988⁽¹⁾, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as the Copyright, Designs and Patents Act 1988 (Guernsey) Order 1989 and shall come into force on 1st December 1989.
2. Sections 297 to 299 of the Copyright, Designs and Patents Act 1988 (fraudulent reception of transmissions) shall extend to the Bailiwick of Guernsey with the exceptions and modifications specified in the Schedule to this Order.

G.I. de Deney
Clerk of the Privy Council

SCHEDULE

Article 2

EXCEPTIONS AND MODIFICATIONS IN THE EXTENSION
OF SECTIONS 297 TO 299 OF THE COPYRIGHT, DESIGNS
AND PATENTS ACT 1988 TO THE BAILIWICK OF GUERNSEY

1. Any reference to an enactment shall be construed, unless the contrary intention appears, as a reference to it as it has effect in the Bailiwick of Guernsey.
2. In section 297(1), after “United Kingdom” there shall be inserted “or Bailiwick of Guernsey”.
3. In section 298 –
 - (a) in subsection (1)(a) and (b), after “United Kingdom” there shall be inserted “or Bailiwick of Guernsey”;
 - (b) in subsection (3), for “99 or 100 (delivery up or seizure of certain articles)” there shall be substituted “7 of the Copyright Act 1911(2) (rights of owner against persons possessing or dealing with infringing copies etc.)”, and
 - (c) for subsections (4) to (6) there shall be substituted the following subsection:

“(4) In section 8 of the Copyright Act 1911 (exemption of innocent infringer from liability to pay damages etc.) as it applies to proceedings for infringement of the rights conferred by this section, the references to the defendant not being aware of the existence of the copyright in the work, and to his not being aware and having no reasonable ground for suspecting that copyright subsisted in the work, shall be construed respectively as references to his not being aware, and to his not being aware and having no reasonable ground for suspecting, that his acts infringed the rights conferred by this section.”.
4. In section 299 –
 - (a) in subsection (1)(a), after “United Kingdom” there shall be inserted “and Bailiwick of Guernsey”;
 - (b) in subsection (2), for “United Kingdom” whenever occurring there shall be substituted “Bailiwick of Guernsey”;
 - (c) subsection (3) shall be omitted, and
 - (d) in subsection (5), for “(copyright)” there shall be substituted “of this Act as it has effect in England and Wales.”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends to the Bailiwick of Guernsey, with the exceptions and modifications specified in the Schedule, sections 297 to 299 of the Copyright, Designs and Patents Act 1988 (which relate to fraudulent reception of transmissions).

(2) 1911 c. 46

