STATUTORY INSTRUMENTS

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(**1**).

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(**2**).

(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.

(**1**) 2013 c.24
(**2**) 1988 c.48

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—

(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
18th May 2016 Department for Business, Innovation and Skills