

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

THE COPYRIGHT (BAILIWICK OF GUERNSEY) (AMENDMENT) ORDINANCE, 2021

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Copyright (Bailiwick of Guernsey) (Amendment) Ordinance, 2021", and to direct that the same shall have effect as an Ordinance of the States.

This proposition has been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

EXPLANATORY MEMORANDUM

This Ordinance amends sections 50 and 56 of the Copyright (Bailiwick of Guernsey) Ordinance, 2005 ("the Copyright Ordinance") to permit museums and galleries to make or accept replacement works.

Section 56 currently applies to not for profit libraries and archives. The museums and galleries that will be able to benefit from section 56 of the Copyright Ordinance as so amended will be prescribed in the Copyright (Prescribed Libraries, Archives, Museums and Galleries and Copying of Copyright Material) (Bailiwick of Guernsey) Regulations, 2021 ("the Prescribed Libraries Regulations"), which will come into force on the same day as the Ordinance.

This Ordinance also amends section 56 of the Copyright Ordinance to:

- extend the scope of works that may be copied to works of any type, including sound-recordings, and
- allow multiple copies to be made.

All copying pursuant to section 56 of the Copyright Ordinance must also comply with the conditions laid out in the Prescribed Libraries Regulations.

This Ordinance will come into force on the 26th March, 2021.

The Copyright (Bailiwick of Guernsey) (Amendment) Ordinance, 2021

THE STATES, in pursuance of their Resolution of the 25th August 2020^a, and in exercise of the powers conferred on them by sections 1 and 3 of the Intellectual Property (Enabling Provisions) (Bailiwick of Guernsey) Law, 2004^b, and all other powers enabling them in that behalf, hereby order:-

Amendment of Copyright Ordinance.

1. The Copyright Ordinance shall be amended as follows.
2. For the cross-heading "*Libraries and archives*" immediately before section 50 of the Copyright Ordinance, substitute "*Libraries, museums, galleries and archives*".
3. In section 50 -
 - (a) For the section heading substitute "Libraries, museums, galleries and archives: introductory.",
 - (b) Insert the text ", curators" after every reference to "librarians",
 - (c) Insert the text ", museum, gallery" after every reference to "library",

^a Article I of Billet d'État No. XVIII of 2020.

^b Order in Council No. XIV of 2004; amended by Ordinances No. XXXIII of 2003; No. XXXIX of 2015; No. IX of 2016 and No. XXVI of 2018.

(d) Insert the text ", museums, galleries" after every reference to "libraries",

(e) Insert the text ", curator" after every reference to "librarian".

4. (1) In section 56 –

(a) For the section heading substitute "Copying by librarians, curators or archivists: replacement copies of works.",

(b) Insert the text ", curator" after every reference to "librarian",

(c) Insert the text ", museum, gallery" after every reference to "library",

(d) Substitute "one or more copies" for "a copy".

(2) In section 56(1)(a), after "the copy" insert "or copies".

(3) For the text immediately after section 56(1)(b) to the end of subsection (1) substitute "without infringing the copyright in a work of any description."

Interpretation.

5. (1) In this Ordinance "**Copyright Ordinance**" means the Copyright

(Bailiwick of Guernsey) Ordinance, 2005^c, and other expressions, except where the context excludes, have the same meanings as in the Copyright Ordinance.

(2) The Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016^d applies to the interpretation of this Ordinance.

Citation.

6. This Ordinance may be cited as the Copyright (Bailiwick of Guernsey) (Amendment) Ordinance, 2021.

Extent.

7. This Ordinance has effect throughout the Bailiwick of Guernsey.

Commencement.

8. This Ordinance shall come into force on the 26th March, 2021.

^c Ordinance No. XIX of 2005; as amended by Ordinances No. XXXIII of 2013; No. IX of 2016 and G.S.I. No. 97 of 2020.

^d Order in Council No. V of 2018; as amended by Ordinances No. XXII of 2018 and No. XXVI of 2018.