

# COPYRIGHT (GENERAL MATTERS) AMENDMENT REGULATIONS 1998

Governor-General

## ORDER IN COUNCIL

At Wellington this 21st day of SEPTEMBER 1998

### Present:

THE RTTION JENNIFER STIPLEY IN COUNCIL PURSUANT to section 234 of the Copyright Act 1994, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

### ANALYSIS

1. Title and commencement
2. Prescribed classes of libraries for purposes of section 50 of Act
3. Prescribed bodies, broadcasts or cable programmes, for purposes of section 90 of Act

### REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Copyright (General Matters) Amendment Regulations 1998, and are part of the Copyright (General Matters) Regulations 1995\* (“the principal regulations”).

(2) These regulations come into force on 1 November 1998.

**2. Prescribed classes of libraries for purposes of section 50 of Act**—The principal regulations are amended by revoking regulation 4, and substituting the following regulation:

“4. The following classes of library are prescribed classes of libraries for the purposes of section 50 of the Act:

“(a) Libraries that are members of the interloan scheme:

“(b) Libraries of Crown entities, as that term is defined in section 2 of the Public Finance Act 1989.”

**3. Prescribed bodies, broadcasts or cable programmes, for purposes of section 90 of Act**—The principal regulations are amended by inserting, after regulation 5, the following regulation:

“5A. (1) The following bodies are prescribed bodies for the purposes of section 90 of the Act:

“(a) The National Library of New Zealand:

“(b) The Department of Internal Affairs, in respect only of its function in relation to the National Archives:

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\* J.R. 1995/146

Amendment No.1: 1996/251

“(c) The New Zealand Cartoon Archive Trust:

“(d) The New Zealand Film Archive:

“(e) Sound Archives Nga Taonga Korero Limited.

“(2) The following classes are prescribed classes of broadcasts or cable programmes for the purposes of section 90 of the Act:

“(a) Broadcasts or cable programmes broadcast or transmitted in New Zealand that—

“(i) Feature New Zealand or New Zealanders; or

“(ii) Are produced or made, in whole or in part, in New Zealand; or

“(iii) Are produced or made, in whole or in part, by 1 or more New Zealanders, or that feature 1 or more New Zealand actors, writers, artists, or other participants; or

“(iv) Feature a royal event, or a sport played in New Zealand; or

“(v) Otherwise contain subject-matter of particular relevance to New Zealand or New Zealanders:

“(b) Broadcasts or cable programmes that are broadcast or transmitted in New Zealand during any 24-hour period and that are recorded for that period to establish the programmes and broadcasts that were sent out to New Zealanders on a particular day.”

Clerk of the Executive Council.

## **EXPLANATORY NOTE**

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force on 1 November 1998, amend the Copyright (General Matters) Regulations 1993.

*New regulation 4* adds libraries of Crown entities to the list of libraries that are prescribed classes of libraries for the purposes of section 50 of the Act. Under sections 51 to 56 of the Act, librarians of prescribed libraries may make copies of or from certain copyright works without infringing copyright in those works, provided statutory conditions are met.

*New regulation 5A (1)* lists those bodies that are prescribed bodies for the purposes of section 90 of the Act. Section 90 allows prescribed bodies to make recordings of prescribed classes of broadcasts and cable programmes, or a copy of such a recording, without permission of the copyright owners, if made for archival purposes.

*Subclause (2)* lists the classes that are prescribed classes of broadcasts or cable programmes for the purposes of section 90 of the Act.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*:

These regulations are administered in the Ministry of Commerce.

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