

SCHEDULE 1

Regulation 2(1)

CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS OF THE COPYRIGHT, DESIGNS AND PATENTS ACT 1988

1. The Copyright, Designs and Patents Act 1988⁽¹⁾ shall be amended as follows and, except where otherwise indicated, any reference in this Part to a section or paragraph is a reference to a section or paragraph of that Act and reference to a Schedule is to a Schedule to that Act.

Amending the headings of certain provisions

2.—(1) In the headings of section 69 and paragraph 17 of Schedule 2 for the words “cable programmes” there shall be substituted “other services”.

(2) In the heading of paragraph 5 of Schedule 2 for the words “, broadcast or cable programme” there shall be substituted “or broadcast”.

Amendments relating to the new definition of “broadcast”

3.—(1) In each of the following provisions—

- (a) section 17(4);
- (b) section 19(2)(b);
- (c) section 19(3);
- (d) section 31(1);
- (e) section 31(3);
- (f) section 34(2);
- (g) section 79(4)(a);
- (h) section 79(4)(b);
- (i) section 85(2)(a);
- (j) section 132(3)(b);
- (k) section 133(2);
- (l) paragraph 3(1) of Schedule 2;
- (m) paragraph 3(3) of Schedule 2;
- (n) paragraph 5(1) of Schedule 2;

for the words “, broadcast or cable programme” there shall be substituted “or broadcast”.

(2) In each of the follow provisions—

- (a) section 132(1);
- (b) section 133(2);

for the words “, broadcasts or cable programmes” there shall be substituted “or broadcasts”.

(3) In section 299(5) for the words ‘, “broadcasting” to “service” there shall be substituted ‘and “broadcasting”’.

(1) 1988 c. 48.

Status: This is the original version (as it was originally made).

Amendments relating to “communication to the public” etc

4.—(1) For section 12(5)(a)(ii) there shall be substituted—

“(ii) communication to the public;”.

(2) For section 12(5)(b)(iii) there shall be substituted—

“(iii) communication to the public;”.

(3) For section 13B(6)(b) there shall be substituted—

“(b) communicating to the public;”.

(4) For both section 117(d) and section 124(d) there shall be substituted—

“(d) communicating the work to the public;”.

(5) For section 198(2)(b) there shall be substituted—

“(b) communicated to the public.”.

(6) For paragraph 17(b) of Schedule 1 there shall be substituted—

“(b) communicating the work to the public, or.”

5. In each of the following provisions—

(a) section 24(2);

(b) section 59(2);

(c) section 62(3);

for the words from “broadcasting” to “service” there shall be substituted “communication to the public”.

6.—(1) In each of the following provisions—

(a) section 175(4)(a)(ii);

(b) section 175(4)(b)(iv);

(c) section 175(4)(c)(ii);

for the words from “broadcasting” to “service” there shall be substituted “communication to the public of the work”.

(2) In each of the following provisions—

(a) section 18A(3)(a);

(b) section 31(2);

(c) section 182C(3)(a);

(d) section 301;

(e) paragraph 3(2) of Schedule 2;

(f) paragraph 2(1) of Schedule 6;

for the words from “, broadcasting” to “service” there shall be substituted “or communication to the public”.

7. In section 151A(1)(a) for the words from “broadcasting” to “service” there shall be substituted “communicating a work to the public”.

8.—(1) In each of the following provisions—

(a) section 77(2)(a);

(b) section 77(6);

(c) section 105(5);

(d) section 191(3);

for the words “, broadcast or included in a cable programme service”, in each place where they occur, there shall be substituted “or communicated to the public”.

(2) In each of the following provisions—

(a) section 77(4)(a);

(b) section 85(1)(c);

for the words from “broadcast” to “service” there shall be substituted “communicated to the public”.

(3) In section 51(2) for the words from “, broadcast” to “service” there shall be substituted “or communicate to the public”.

9.—(1) In each of the following provisions—

(a) section 59(2);

(b) section 77(7)(c);

for the words from “, broadcast” to “programme” there shall be substituted “or communication to the public”.

(2) In section 107(3) for the words from “broadcast” to “programme” there shall be substituted “communication to the public”.

10.—(1) In each of the following provisions—

(a) section 80(3)(a);

(b) section 80(6)(a);

for the words from “, broadcasts” to “service” there shall be substituted “or communicates to the public”.

(2) In each of the following provisions—

(a) section 84(3)(a);

(b) section 84(3)(b);

for the words from “, broadcasts” to “service” there shall be substituted “or communicates it to the public”.

11. In each of the following provisions—

(a) section 163(1A);

(b) section 165(4)(b);

for the words from “, live broadcast” to “programme” there shall be substituted “or live broadcast”.

12. In each of the following provisions—

(a) section 58(1)(b);

(b) paragraph 13(1)(b) of Schedule 2;

for the words from “broadcasting” to “service” there shall be substituted “communicating to the public”.

13.—(1) In each of the following provisions—

(a) section 183(b);

(b) section 187(1)(b);

Status: This is the original version (as it was originally made).

for the words from “broadcasts” to “service” there shall be substituted “communicates to the public”.

(2) In section 80(4)(a) for the words from “or broadcasts” to “service” there shall be substituted “or communicates to the public”.

14. In section 62(2)(c) for the words from “broadcasting” to “service” there shall be substituted “making a broadcast of”.

Amendment of certain definitions

15.—(1) In section 135A(5), before the definition of “needletime”, there shall be inserted—
 ““broadcast” does not include any broadcast which is a transmission of the kind specified in section 6(1A)(b) or (c);”.

(2) For section 144A(7) there shall be substituted—

“(7) In this section—

“cable operator” means a person responsible for cable re-transmission of a wireless broadcast; and

“cable re-transmission” means the reception and immediate re-transmission by cable, including the transmission of microwave energy between terrestrial fixed points, of a wireless broadcast.”.

(3) In section 178, at the appropriate places, the following definitions shall be inserted—

““private study” does not include any study which is directly or indirectly for a commercial purpose;”;

““wireless broadcast” means a broadcast by means of wireless telegraphy;”.

(4) In section 179, at the appropriate places, the following entries shall be inserted—

“communication to the public	section 20”
“private study	section 178”
“wireless broadcast	section 178”.

(5) Section 211 shall be amended as follows—

(a) in subsection (1)—

(i) at the appropriate places the following entries shall be inserted—

“communication to the public,”

“injunction (in Scotland)”

“wireless broadcast.”;

(ii) for “sound recording.” there shall be substituted “sound recording, and”;

(b) in subsection (2) for the words “6(3) to (5), section 7(5) and 19(4)” there shall be substituted “6(3) to (5A) and section 19(4)”.

(6) In section 212, at the appropriate places, the following entries shall be inserted—

“communication to the public	section 211(1) (and section 20)”
“injunction (in Scotland)	section 211(1) (and section 177)”

“making available right

section 182CA”.

Amendment of Schedule 1

16. Schedule 1 shall be amended as follows—

(a) for paragraph 9 there shall be substituted—

“**9.** No copyright subsists in—

(a) a wireless broadcast made before 1st June 1957, or

(b) a broadcast by cable made before 1st January 1985;

and any such broadcast shall be disregarded for the purposes of section 14(5) (duration of copyright in repeats).”;

(b) paragraph 15(3) shall cease to have effect.

Amendment of Schedule 2A

17. In paragraph 16 of Schedule 2A—

(a) in sub-paragraph (1), for “paragraph 14A of Schedule 2 (lending of certain recordings)” there shall be substituted “paragraph 6, 14A or 20 of Schedule 2 (recording of broadcasts by educational establishments, lending of certain recordings, provision of sub-titled copies of broadcast)”; and

(b) in sub-paragraph (3), for “paragraph 14A” there shall be substituted “the relevant paragraph”.

Further amendments resulting from Directive 93/98/EEC

18.—(1) In section 79(3) for the words from “vested” to the end of the subsection there shall be substituted “vested in the author’s or director’s employer by virtue of section 11(2) (works produced in the course of employment).”.

(2) In section 82(1)(a) after the word “author's” there shall be inserted “ or director's” and the words from “or”, appearing after the word “employment)”, to the end of the paragraph shall be omitted.

(3) Paragraph 12(3) of Schedule 1 shall be amended as follows—

(a) in paragraph (b) for the words “section 12(2)” there shall be substituted “section 12(3)”;

(b) for the words “section 12(1)” there shall be substituted “section 12(2)”;

(c) for the words “plus 50” there shall be substituted “plus 70”.

PART 2

AMENDMENTS OF OTHER ACTS

Amendment of the Medicines Act 1968

19. Section 92 of the Medicines Act 1968(2) shall be amended as follows—

(a) in subsection (1) for the words “, broadcast or cable programme” there shall be substituted “ or broadcast”;

(2) 1968 c. 67.

Status: This is the original version (as it was originally made).

- (b) in subsection (2)(a) after the words “recording” there shall be inserted “ or film sound track”.

Amendment of the Olympic Symbol etc (Protection) Act 1995

20. In section 4(3) of the Olympic Symbol etc (Protection) Act 1995⁽³⁾ for the words “, a broadcast and a cable programme” there shall be substituted “and a broadcast”.

Amendment of the Broadcasting Act 1996

21. Section 137 of the Broadcasting Act 1996⁽⁴⁾ shall be amended as follows—

- (a) for subsection (2)(a) there shall be substituted—
 - “(a) “relevant dealing”, in relation to a broadcast, means dealing by communicating to the public any visual images taken from that broadcast, and”;
- (b) in subsection (2)(b) for the words “cable programme” there shall be substituted “communicating to the public”.

Amendment of the Copyright (Visually Impaired Persons) Act 2002

22. The Copyright (Visually Impaired Persons) Act 2002⁽⁵⁾ shall be amended as follows—

- (a) in section 1 for the words from “included in” to “programme service” there shall be substituted “communicated to the public”;
- (b) in section 2 for the words from “included in” to “programme service” there shall be substituted “communicated to the public”;
- (c) in section 7 after subsection (2) there shall be inserted—
 - “(3) In Part 1 of Schedule 5A (permitted acts to which section 296ZE applies) insert at the appropriate place—
 - “section 31A (making a single accessible copy for personal use)
 - section 31B (multiple copies for visually impaired persons)
 - section 31C (intermediate copies and records)”.

Amendment of the Communications Act 2003

23. In paragraph 92(1) of Schedule 17 of the Communications Act 2003⁽⁶⁾ for the words from “broadcast” to “service” there shall be substituted “wireless broadcasts by cable”.

(3) 1995 c. 32.
(4) 1996 c. 55.
(5) 2002 c. 33.
(6) 2003 c. 21.

PART 3

AMENDMENTS OF INSTRUMENTS

Amendments of the Copyright (Recording of Folksongs for Archives) (Designated Bodies) Order 1989

24. In article 3(2)(a) of the Copyright (Recording of Folksongs for Archives) (Designated Bodies) Order 1989(7) after the word “research” there shall be inserted “for a non-commercial purpose”.

Amendment of the Copyright Tribunal Rules 1989

25. In Form 15 found in Schedule 3 to the Copyright Tribunal Rules 1989(8) for the words “broadcasting/inclusion in a cable programme service” there shall be substituted “communication to the public”.

Amendments of the Copyright (Librarians and Archivists) (Copying of Copyright Material) Regulations 1989

26. The Copyright (Librarians and Archivists) (Copying of Copyright Material) Regulations 1989(9) shall be amended as follows—

- (a) in regulations 4(2)(a)(i) and 7(2)(a)(i) after the word “research” there shall be inserted “for a non-commercial purpose”;
- (b) in regulations 5(2)(c) and 6(2)(d) for the words “not less than” there shall be substituted “equivalent to but not exceeding”;
- (c) in paragraph 2(b) in Forms A and B in Schedule 2 to the Regulations after the word “research” there shall be inserted “for a non-commercial purpose”.

Amendments of the Copyright and Related Rights Regulations 1996

27. Regulation 16(2) of the Copyright and Related Rights Regulations 1996(10) shall be amended as follows—

- (a) for the word “communication” there shall be substituted “making available”;
- (b) for paragraph (e) there shall be substituted—
 - “(e) communicating the work to the public.”.

SCHEDULE 2

Regulation 2(2)

REPEALS

ENACTMENTS

<i>Title and chapter</i>	<i>Extent of repeal</i>
Medicines Act 1968 (c. 67)	In section 92—

(7) SI 1989/1012.

(8) SI 1989/1129.

(9) SI 1989/1212, which has been amended by SI 1999/1042.

(10) SI 1996/2967.

Status: This is the original version (as it was originally made).

<i>Title and chapter</i>	<i>Extent of repeal</i>
Copyright, Designs and Patents Act 1988 (c. 48)	(a) in subsection (2)(b), the words from “or” to “service”;
	(b) in subsection (6), the words from ““cable”, where it first appears, to “service””.
	In section 6(6) the words “or in a cable programme”.
	Section 7.
	Section 9(2)(c).
	Section 13A(3).
	In section 14—
	(a) in the heading the words “and cable programmes”;
	(b) the words “or cable programme”, wherever occurring;
	(c) in subsection (2) the words from “or the programme” to “service”;
	(d) in subsection (5) the words from “or included” to “service”;
	(e) in subsection (6) the word “either” and the words from “or of a cable” to “service”.
	In section 27(6) the words “or cable programme”.
	Section 29(5).
In section 35—	
(a) in the heading the words “and cable programmes”;	
(b) in subsection (1) the words “or cable programme”, in both places they occur.	
In section 36(4) the words “literary, dramatic or musical”.	
In section 58(2)(a) the words “or cable programme”.	
In the heading appearing before section 68 the words “ <i>and cable programmes</i> ”.	
In section 68—	
(a) in the heading the words “or cable programme”;	

<i>Title and chapter</i>	<i>Extent of repeal</i>
	<ul style="list-style-type: none"> (b) in subsection (1) the words from “or include” to “service”; (c) in subsection (2) the words “or cable programme”; (d) in subsection (3)(b) the words from “or, as” to “service”. (e) In section 70(1) the words “or cable programme” in both places they occur.
	<p>In section 72—</p> <ul style="list-style-type: none"> (a) in the heading the words “or cable programme”; (b) in subsection (1) the words “or cable programme”, where they first occur and the words “or programme”; (c) in subsection (2)(b)(i) the words “or programme”; (d) in subsection (3)(b) the words “or programmes”; (e) in subsection (4) the words from “or inclusion” to “programme service” and the words “or programme”.
	<p>In section 74—</p> <ul style="list-style-type: none"> (a) in the heading the words “or cable programme”; (b) in subsection (1) the word “television” and the words “or cable programmes”, in both places they occur. (c) In section 75(1) the words “or cable programme” in both places they occur. (d) In section 82(1)(a) the words from “or”, appearing after the word “employment”, to the end of the paragraph.
	<p>In section 131—</p> <ul style="list-style-type: none"> (a) in the heading the words “or cable programmes”; (b) in subsection (1) the words “or cable programmes”; (c) in subsection (2) the words “or cable programme”.
	<p>In section 134—</p> <p>In subsection (1)—</p> <ul style="list-style-type: none"> (a) the words “or cable programme service” appearing after the words “in a broadcast”; (b) the words “or cable programme”, appearing before the words “(“the first transmission”)”;

Status: This is the original version (as it was originally made).

<i>Title and chapter</i>	<i>Extent of repeal</i>
	<ul style="list-style-type: none"> (c) the words “or included” to “service”; (d) in subsection (3) the words “(except where subsection (4) applies)”.
	<p>In the heading appearing before section 135A the words “<i>and cable programme services</i>”.</p>
	<p>In section 135A the words “or cable programme service” wherever occurring.</p>
	<p>In section 135B(2) the words “or cable programme service”.</p>
	<p>In section 135C(1) and (4) the words “or cable programme service”, wherever occurring.</p>
	<p>In section 135E(1)(a) the words “or cable programme service”.</p>
	<p>In section 135H(1)(b) the words “or cable programme service” in both places they occur.</p>
	<p>In section 143—</p> <ul style="list-style-type: none"> (a) in subsection (1)(a) the words “or cable programmes”; (b) in subsection (1)(d) the words “or cable programmes”.
	<p>In section 149(cc) the words “or cable programme services”.</p>
	<p>In section 153(1)(c) the words “or cable programme” and the words “or the cable programme was sent”.</p>
	<p>Section 154(5)(c).</p>
	<p>In section 156—</p> <ul style="list-style-type: none"> (a) in subsection (1) the words from “, and a cable” to “sent from,”; (b) in subsection (2)— <ul style="list-style-type: none"> (i) the words “or cable programme”; (ii) the words “or, as the case may be, sent from”.
	<p>In section 159(1)(d) the words “or cable programmes sent from”, in both places they occur.</p>
	<p>In section 179 the entry for “cable programme, cable programme service (and related expressions)”.</p>

<i>Title and chapter</i>	<i>Extent of repeal</i>
	In section 180— (a) in subsection (2), in the definition of “recording” the words “, or cable programme including,”; (b) in subsection (4)(a) the words “or cable programme”.
	In section 182(1)— (a) in paragraph (b), the words from “, or includes” to “service,”; (b) in paragraph (c), the words “, or cable programme including,”.
	Section 182(2).
	In section 182A(1) the words from “, otherwise” to “use,”.
	In section 186(1) the words from “, otherwise” to “use”.
	In section 197(5) the words “or cable programme” and the word “or” immediately preceding the words “paragraph 16(3)”.
	In section 211— (a) in subsection (1)— (i) the entries for “cable programme,” and “cable programme service,”; (ii) the word “and” appearing after the word “published,”; (b) in subsection (2) the words “and cable programme services”.
	In section 212 the entry for “cable programme, cable programme service (and related expressions)”.
	In section 297(1) the words “or cable programme”.
	In section 297A(4) the words “or cable programme”.
	In section 298(1)(a) the words “or cable programme”.
	In section 299(4) the words “or cable programme service”.
	Schedule 1, paragraph 15(3).

Status: This is the original version (as it was originally made).

<i>Title and chapter</i>	<i>Extent of repeal</i>
	<p>In Schedule 2, paragraph 6—</p> <p>(a) in the heading the words “and cable programmes”;</p> <p>(b) in sub-paragraph (1) the words “or cable programme”.</p>
	<p>In Schedule 2, paragraph 13(2)(a) the words “or cable programme”.</p>
	<p>In Schedule 2, paragraph 16—</p> <p>(a) in the heading the words “or cable programme”;</p> <p>(b) in sub-paragraph (1) the words from “, or include” to “service,” and the words “or cable programme” appearing after the word “broadcast”;</p> <p>(c) in sub-paragraph (2)(b) the words from “or including” to “service”.</p>
	<p>In Schedule 2, paragraph 18—</p> <p>(a) in the heading the words “or cable programme”;</p> <p>(b) in sub-paragraph (1)—</p> <p>(i) the words “or cable programme”, appearing before the words “to an audience”;</p> <p>(ii) the words “or programme”;</p> <p>(iii) in paragraph (a) the words “or cable programme”;</p> <p>(iv) in paragraph (b) the words “or cable programme”.</p> <p>(c) in sub-paragraph (2)(b)(i) the words “or programme”;</p> <p>(d) in sub-paragraph (3)(b) the words “or programmes”;</p> <p>(e) in sub-paragraph (4) the words from “or inclusion” to “programme service” and the words “or programme”.</p>
	<p>In Schedule 2, paragraph 20—</p> <p>(a) in the heading the words “or cable programme”;</p> <p>(b) in sub-paragraph (1) the words “or cable programme”.</p>
	<p>In Schedule 2, paragraph 21—</p> <p>(a) in the heading the words “or cable programme”;</p> <p>(b) in sub-paragraph (1) the words “or cable programme” in both places they occur.</p>

<i>Title and chapter</i>	<i>Extent of repeal</i>
	In Schedule 2A, paragraph 2 the word “or” appearing at the end of sub-paragraph (a).
	In Schedule 2A, paragraph 9 the word “or” appearing at the end of sub-paragraph (a).
	Schedule 7, paragraph 10(3).
Broadcasting Act 1996 (c. 55)	In section 137(1) the words “or cable programme”, in both places where they occur.
Copyright, etc. and Trade Marks (Offences and Enforcement) Act 2002 (c. 25)	In section 2— (a) subsections (2)(a) and (b); and (b) subsection (3)(a)(i).
Communications Act 2003 (c. 21)	In section 125(2) the words “or cable programme”.

INSTRUMENTS

<i>Title and no.</i>	<i>Extent of revocation</i>
Copyright (Application of Provisions relating to Educational Establishments to Teachers) (No. 2) Order 1989 (SI 1989/1067)	In Article 2 the words “and cable programmes”.
Copyright Tribunal Rules 1989 (SI 1989/1129)	In the heading before rule 26A the words “and cable programme services”. In rule 26A(1) the words “or cable programme services”. In Schedule 3— (a) In Form 10A the words “/and/cable programme service”, in both places they appear; (b) In Form 10B the words “/and/cable programme service”; (c) In Form 10C the words “/and/cable programme service”.
Copyright (Certification of Licensing Scheme for Educational Recording of Broadcasts and Cable Programmes) (Educational Recording Agency Limited) Order 1990 (SI 1990/879)	In Article 2 the words “or cable programmes”. In paragraph 4 of the Schedule the words “or cable programme”, wherever occurring.
Copyright (Recording for Archives of Designated Class of Broadcasts and Cable Programmes) (Designated Bodies) Order 1993 (SI 1993/74)	In Article 2 the words “or cable programme”. In Article 3 the words “and all cable programmes”.
Copyright (Certification of Licensing Scheme for Educational Recording of Broadcasts) (Open University) Order 2003 (SI 2003/187)	In Article 2 the words “and cable programmes”.

SCHEDULE 3

Regulation 24(2)

NEW SCHEDULE 5A TO THE COPYRIGHT, DESIGNS AND PATENTS ACT 1988

“SCHEDULE 5A

Section 296ZE

PERMITTED ACTS TO WHICH SECTION 296ZE APPLIES

PART 1

Copyright exceptions

- section 29 (research and private study)
- section 32(1), (2) and (3) (things done for purposes of instruction or examination)
- section 35 (recording by educational establishments of broadcasts)
- section 36 (reprographic copying by educational establishments of passages from published works)
- section 38 (copying by librarians: articles in periodicals)
- section 39 (copying by librarians: parts of published works)
- section 41 (copying by librarians: supply of copies to other libraries)
- section 42 (copying by librarians or archivists: replacement copies of works)
- section 43 (copying by librarians or archivists: certain unpublished works)
- section 44 (copy of work required to be made as condition of export)
- section 45 (Parliamentary and judicial proceedings)
- section 46 (Royal Commissions and statutory inquiries)
- section 47 (material open to public inspection or on official register)
- section 48 (material communicated to the Crown in the course of public business)
- section 49 (public records)
- section 50 (acts done under statutory authority)
- section 61 (recordings of folksongs)
- section 68 (incidental recording for purposes of broadcast)
- section 69 (recording for purposes of supervision and control of broadcasts)
- section 70 (recording for purposes of time-shifting)
- section 71 (photographs of broadcasts)
- section 74 (provision of sub-titled copies of broadcast)
- section 75 (recording for archival purposes)

PART 2

Rights in performances exceptions

- paragraph 4 of Schedule 2 (things done for purposes of instruction or examination)
- paragraph 6 of Schedule 2 (recording of broadcasts by educational establishments)
- paragraph 7 of Schedule 2 (copy of work required to be made as condition of export)
- paragraph 8 of Schedule 2 (Parliamentary and judicial proceedings)
- paragraph 9 of Schedule 2 (Royal Commissions and

statutory inquiries) paragraph 10 of Schedule 2 (public records) paragraph 11 of Schedule 2 (acts done under statutory authority) paragraph 14 of Schedule 2 (recordings of folksongs) paragraph 16 of Schedule 2 (incidental recording for purposes of broadcast) paragraph 17 of Schedule 2 (recordings for purposes of supervision and control of broadcasts) paragraph 17A of Schedule 2 (recording for the purposes of time-shifting) paragraph 17B of Schedule 2 (photographs of broadcasts) paragraph 20 of Schedule 2 (provision of sub-titled copies of broadcast) paragraph 21 of Schedule 2 (recording of broadcast for archival purposes)

PART 3

Database right exceptions

regulation 20 of and Schedule 1 to the Copyright and Rights in Databases Regulations 1997 (S.I.1997/3032)”