Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART I

COPYRIGHT

CHAPTER III

ACTS PERMITTED IN RELATION TO COPYRIGHT WORKS

Modifications etc. (not altering text)

C1 Pt. I Ch. III (ss. 28–76) amended by Broadcasting Act 1990 (c. 42, SIF 96), s. 176, **Sch. 17 para. 7(1)**

C2 Pt. I Ch. III (ss. 28-76) applied (with modifications) (1.12.1996) by S.I. 1996/2967, **reg. 17(1)-(3)** (with Pt. III)

C3 Pt. I Ch. III (ss. 28-76) continued (31.10.2003) by virtue of The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 33**, (with regs. 31-40)

Introductory

28 Introductory provisions.

(1) The provisions of this Chapter specify acts which may be done in relation to copyright works notwithstanding the subsistence of copyright; they relate only to the question of infringement of copyright and do not affect any other right or obligation restricting the doing of any of the specified acts.

(2) Where it is provided by this Chapter that an act does not infringe copyright, or may be done without infringing copyright, and no particular description of copyright work is mentioned, the act in question does not infringe the copyright in a work of any description.

(3) No inference shall be drawn from the description of any act which may by virtue of this Chapter be done without infringing copyright as to the scope of the acts restricted by the copyright in any description of work.

(4) The provisions of this Chapter are to be construed independently of each other, so that the fact that an act does not fall within one provision does not mean that it is not covered by another provision.

General

[F1 28A Making of temporary copies

Copyright in a literary work, other than a computer program or a database, or in a dramatic, musical or artistic work, the typographical arrangement of a published edition, a sound recording or a film, is not infringed by the making of a temporary copy which is transient or incidental, which is an integral and essential part of a technological process and the sole purpose of which is to enable—

(a) a transmission of the work in a network between third parties by an intermediary; or

(b) a lawful use of the work;

and which has no independent economic significance.**]**

Textual Amendments

F1 S. 28A inserted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 8(1)** (with regs. 31-40)

29 Research and private study.

[F2(1) Fair dealing with a literary, dramatic, musical or artistic work for the purposes of research for a non-commercial purpose does not infringe any copyright in the work provided that it is accompanied by a sufficient acknowledgement.**]**

[F3(1B) No acknowledgement is required in connection with fair dealing for the purposes mentioned in subsection (1) where this would be impossible for reasons of practicality or otherwise.

(1C) Fair dealing with a literary, dramatic, musical or artistic work for the purposes of private study does not infringe any copyright in the work.**]**

(2) Fair dealing with the typographical arrangement of a published edition for the purposes **[**F4of research or private study**]** does not infringe any copyright in the arrangement.

(3) Copying by a person other than the researcher or student himself is not fair dealing if—

(a) in the case of a librarian, or a person acting on behalf of a librarian, he does anything which regulations under section 40 would not permit to be done under section 38 or 39 (articles or parts of published works: restriction on multiple copies of same material), or

(b) in any other case, the person doing the copying knows or has reason to believe that it will result in copies of substantially the same material being provided

to more than one person at substantially the same time and for substantially the same purpose.

[[F5](4) It is not fair dealing—

(a) to convert a computer program expressed in a low level language into a version expressed in a higher level language, or

(b) incidentally in the course of so converting the program, to copy it,

(these acts being permitted if done in accordance with section 50B (decompilation)).**]**

[[F6](4A) It is not fair dealing to observe, study or test the functioning of a computer program in order to determine the ideas and principles which underlie any element of the program (these acts being permitted if done in accordance with section 50BA (observing, studying and testing)).**]**

(5) [F7]. . . . . .

Textual Amendments

F2 S. 29(1) substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 9(a)**, (with regs 31-40)

F3 S. 29(1B)(1C) substituted (31.10.2003) for s. 29(1A) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 9(b)** (with regs. 31-40)

F4 Words in s. 29(2) substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 9(c)** (with regs. 31-40)

F5 S. 29(4) inserted (1.1.1993) by S.I. 1992/3233, **reg. 7**

F6 S. 29(4A) inserted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 9(d)** (with regs. 31-40)

F7 S. 29(5) repealed (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), regs. 2(2), **9(e)**, Sch. 2 (with regs. 31-40)

30 Criticism, review and news reporting.

(1) Fair dealing with a work for the purpose of criticism or review, of that or another work or of a performance of a work, does not infringe any copyright in the work provided that it is accompanied by a sufficient acknowledgement **[**[F8] and provided that the work has been made available to the public**]**.

[[F9](1A) For the purposes of subsection (1) a work has been made available to the public if it has been made available by any means, including—

(a) the issue of copies to the public;

(b) making the work available by means of an electronic retrieval system;

(c) the rental or lending of copies of the work to the public;

(d) the performance, exhibition, playing or showing of the work in public;

(e) the communication to the public of the work,

but in determining generally for the purposes of that subsection whether a work has been made available to the public no account shall be taken of any unauthorised act.**]**

(2) Fair dealing with a work (other than a photograph) for the purpose of reporting current events does not infringe any copyright in the work provided that (subject to subsection (3)) it is accompanied by a sufficient acknowledgement.

(3) No acknowledgement is required in connection with the reporting of current events by means of a sound recording, film **[**[F10] or broadcast where this would be impossible for reasons of practicality or otherwise**]**.

Textual Amendments

F8 Words in s. 30(1) inserted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 10(1)(a)** (with regs. 31-40)

F9 S. 30(1A) inserted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 10(1)(b)** (with regs. 31-40)

F10 Words in s. 30(3) substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 10(1)(c)** (with regs. 31-40)

31 Incidental inclusion of copyright material.

(1) Copyright in a work is not infringed by its incidental inclusion in an artistic work, sound recording, film **[**[F11]or broadcast**]**.

(2) Nor is the copyright infringed by the issue to the public of copies, or the playing, showing **[**[F12]or communication to the public**]**, of anything whose making was, by virtue of subsection (1), not an infringement of the copyright.

(3) A musical work, words spoken or sung with music, or so much of a sound recording **[**[F11]or broadcast**]** as includes a musical work or such words, shall not be regarded as incidentally included in another work if it is deliberately included.

Textual Amendments

F11 Words in s. 31(1)(3) substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), reg. 2(1), **Sch. 1 para. 3(1)(d)(e)** (with regs. 31-40)

F12 Words in s. 31(2) substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (31.10.2003), reg. 2(1), {Sch. 1 para. 6(2)(b)} (with reg. 31-40)

[[F13]Visual impairment]

Textual Amendments

F13 S. 31A and cross-heading inserted (31.10.2003) by 2002 c. 33, ss. 1, 8(2); S.I. 2003/2499, **art. 2**

[[F14]31A Making a single accessible copy for personal use

(1) If a visually impaired person has lawful possession or lawful use of a copy ("the master copy") of the whole or part of—

(a) a literary, dramatic, musical or artistic work; or

(b) a published edition,

which is not accessible to him because of the impairment, it is not an infringement of copyright in the work, or in the typographical arrangement of the published edition, for an accessible copy of the master copy to be made for his personal use.

(2) Subsection (1) does not apply—

(a) if the master copy is of a musical work, or part of a musical work, and the making of an accessible copy would involve recording a performance of the work or part of it; or

(b) if the master copy is of a database, or part of a database, and the making of an accessible copy would infringe copyright in the database.

(3) Subsection (1) does not apply in relation to the making of an accessible copy for a particular visually impaired person if, or to the extent that, copies of the copyright work are commercially available, by or with the authority of the copyright owner, in a form that is accessible to that person.

(4) An accessible copy made under this section must be accompanied by—

(a) a statement that it is made under this section; and

(b) a sufficient acknowledgement.

(5) If a person makes an accessible copy on behalf of a visually impaired person under this section and charges for it, the sum charged must not exceed the cost of making and supplying the copy.

(6) If a person holds an accessible copy made under subsection (1) when he is not entitled to have it made under that subsection, the copy is to be treated as an infringing copy, unless he is a person falling within subsection (7)(b).

(7) A person who holds an accessible copy made under subsection (1) may transfer it to—

(a) a visually impaired person entitled to have the accessible copy made under subsection (1); or

(b) a person who has lawful possession of the master copy and intends to transfer the accessible copy to a person falling within paragraph (a).

(8) The transfer by a person ("V") of an accessible copy made under subsection (1) to another person ("T") is an infringement of copyright by V unless V has reasonable grounds for believing that T is a person falling within subsection (7)(a) or (b).

(9) If an accessible copy which would be an infringing copy but for this section is subsequently dealt with—

(a) it is to be treated as an infringing copy for the purposes of that dealing; and

(b) if that dealing infringes copyright, is to be treated as an infringing copy for all subsequent purposes.

(10) In subsection (9), "dealt with" means sold or let for hire or offered or exposed for sale or hire or communicated to the public.**]**

Textual Amendments

F14 S. 31A and cross-heading inserted (31.10.2003) by 2002 c. 33, ss. 1, 8(2) (as amended by S.I. 2003/2498, regs. 1, 2(1), **Sch. 1 para. 22(a)**); S.I. 2003/2499, **art. 2**

[F15 31B Multiple copies for visually impaired persons

(1) If an approved body has lawful possession of a copy ("the master copy") of the whole or part of—

Status: *Point in time view as at 01/04/2009.*
Changes to legislation: *There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Chapter III. (See end of Document for details)*

(a) a commercially published literary, dramatic, musical or artistic work; or
(b) a commercially published edition,

it is not an infringement of copyright in the work, or in the typographical arrangement of the published edition, for the body to make, or supply, accessible copies for the personal use of visually impaired persons to whom the master copy is not accessible because of their impairment.

(2) Subsection (1) does not apply—
(a) if the master copy is of a musical work, or part of a musical work, and the making of an accessible copy would involve recording a performance of the work or part of it; or
(b) if the master copy is of a database, or part of a database, and the making of an accessible copy would infringe copyright in the database.

(3) Subsection (1) does not apply in relation to the making of an accessible copy if, or to the extent that, copies of the copyright work are commercially available, by or with the authority of the copyright owner, in a form that is accessible to the same or substantially the same degree.

(4) Subsection (1) does not apply in relation to the supply of an accessible copy to a particular visually impaired person if, or to the extent that, copies of the copyright work are commercially available, by or with the authority of the copyright owner, in a form that is accessible to that person.

(5) An accessible copy made under this section must be accompanied by—
(a) a statement that it is made under this section; and
(b) a sufficient acknowledgement.

(6) If an approved body charges for supplying a copy made under this section, the sum charged must not exceed the cost of making and supplying the copy.

(7) An approved body making copies under this section must, if it is an educational establishment, ensure that the copies will be used only for its educational purposes.

(8) If the master copy is in copy-protected electronic form, any accessible copy made of it under this section must, so far as it is reasonably practicable to do so, incorporate the same, or equally effective, copy protection (unless the copyright owner agrees otherwise).

(9) If an approved body continues to hold an accessible copy made under subsection (1) when it would no longer be entitled to make or supply such a copy under that subsection, the copy is to be treated as an infringing copy.

(10) If an accessible copy which would be an infringing copy but for this section is subsequently dealt with—
(a) it is to be treated as an infringing copy for the purposes of that dealing; and
(b) if that dealing infringes copyright, is to be treated as an infringing copy for all subsequent purposes.

(11) In subsection (10), “dealt with” means sold or let for hire or offered or exposed for sale or hire or communicated to the public.

(12) “Approved body” means an educational establishment or a body that is not conducted for profit.

(13) "Supplying" includes lending.**]**

Textual Amendments

F15 S. 31B inserted (31.10.2003) by 2002 c. 33, ss. 2, 8(2) (as amended by S.I. 2003/2498, regs. 1, 2(1), **Sch. 1 para. 22(b)**); S.I. 2003/2499, **art. 2**

[F16 31C Intermediate copies and records

(1) An approved body entitled to make accessible copies under section 31B may hold an intermediate copy of the master copy which is necessarily created during the production of the accessible copies, but only—
   (a) if and so long as the approved body continues to be entitled to make accessible copies of that master copy; and
   (b) for the purposes of the production of further accessible copies.

(2) An intermediate copy which is held in breach of subsection (1) is to be treated as an infringing copy.

(3) An approved body may lend or transfer the intermediate copy to another approved body which is entitled to make accessible copies of the work or published edition under section 31B.

(4) The loan or transfer by an approved body ("A") of an intermediate copy to another person ("B") is an infringement of copyright by A unless A has reasonable grounds for believing that B—
   (a) is another approved body which is entitled to make accessible copies of the work or published edition under section 31B; and
   (b) will use the intermediate copy only for the purposes of the production of further accessible copies.

(5) If an approved body charges for lending or transferring the intermediate copy, the sum charged must not exceed the cost of the loan or transfer.

(6) An approved body must—
   (a) keep records of accessible copies made under section 31B and of the persons to whom they are supplied;
   (b) keep records of any intermediate copy lent or transferred under this section and of the persons to whom it is lent or transferred; and
   (c) allow the copyright owner or a person acting for him, on giving reasonable notice, to inspect the records at any reasonable time.

(7) Within a reasonable time of making an accessible copy under section 31B, or lending or transferring an intermediate copy under this section, the approved body must—
   (a) notify each relevant representative body; or
   (b) if there is no such body, notify the copyright owner.

(8) A relevant representative body is a body which—
   (a) represents particular copyright owners, or owners of copyright in the type of copyright work concerned; and
   (b) has given notice to the Secretary of State of the copyright owners, or the classes of copyright owner, represented by it.

(9) The requirement to notify the copyright owner under subsection (7)(b) does not apply if it is not reasonably possible for the approved body to ascertain the name and address of the copyright owner.**]**

Textual Amendments

F16 S. 31C inserted (31.10.2003) by 2002 c. 33, ss. 3, 8(2); S.I. 2003/2499, **art. 2**

[[F17]31D Licensing schemes

(1) Section 31B does not apply to the making of an accessible copy in a particular form if—

(a) a licensing scheme operated by a licensing body is in force under which licences may be granted by the licensing body permitting the making and supply of copies of the copyright work in that form;

(b) the scheme is not unreasonably restrictive; and

(c) the scheme and any modification made to it have been notified to the Secretary of State by the licensing body.

(2) A scheme is unreasonably restrictive if it includes a term or condition which—

(a) purports to prevent or limit the steps that may be taken under section 31B or 31C; or

(b) has that effect.

(3) But subsection (2) does not apply if—

(a) the copyright work is no longer published by or with the authority of the copyright owner; and

(b) there are reasonable grounds for preventing or restricting the making of accessible copies of the work.

(4) If section 31B or 31C is displaced by a licensing scheme, sections 119 to 122 apply in relation to the scheme as if it were one to which those sections applied as a result of section 117.**]**

Textual Amendments

F17 S. 31D inserted (31.10.2003) by 2002 c. 33, ss. 4, 8(2); S.I. 2003/2499, **art. 2**

[[F18]31E Limitations, etc. following infringement of copyright

(1) The Secretary of State may make an order under this section if it appears to him that the making of copies—

(a) under section 31B; or

(b) under a licence granted under a licensing scheme that has been notified under section 31D,

has led to infringement of copyright on a scale which, in the Secretary of State's opinion, would not have occurred if section 31B had not been in force, or the licence had not been granted.

(2) The order may prohibit one or more named approved bodies, or one or more specified categories of approved body, from—
  (a) acting under section 31B; or
  (b) acting under a licence of a description specified in the order.

(3) The order may disapply—
  (a) the provisions of section 31B; or
  (b) the provisions of a licence, or a licensing scheme, of a description specified in the order,

  in respect of the making of copies of a description so specified.

(4) If the Secretary of State proposes to make an order he must, before making it, consult—
  (a) such bodies representing copyright owners as he thinks fit; and
  (b) such bodies representing visually impaired persons as he thinks fit.

(5) If the Secretary of State proposes to make an order which includes a prohibition he must, before making it, consult—
  (a) if the proposed order is to apply to one or more named approved bodies, that body or those bodies;
  (b) if it is to apply to one or more specified categories of approved body, to such bodies representing approved bodies of that category or those categories as he thinks fit.

(6) An approved body which is prohibited by an order from acting under a licence may not apply to the Copyright Tribunal under section 121(1) in respect of a refusal or failure by a licensing body to grant such a licence.**]**

Textual Amendments

F18 S. 31E inserted (31.10.2003) by 2002 c. 33, ss. 5, 8(2); S.I. 2003/2499, **art. 2**

[F19 31F Definitions and other supplementary provision for sections 31A to 31E

(1) This section supplements sections 31A to 31E and includes definitions.

(2) A copy of a copyright work (other than an accessible copy made under section 31A or 31B) is to be taken to be accessible to a visually impaired person only if it is as accessible to him as it would be if he were not visually impaired.

(3) "Accessible copy", in relation to a copyright work, means a version which provides for a visually impaired person improved access to the work.

(4) An accessible copy may include facilities for navigating around the version of the copyright work but may not include—
  (a) changes that are not necessary to overcome problems caused by visual impairment; or
  (b) changes which infringe the right (provided by section 80) not to have the work subjected to derogatory treatment.

(5) "Approved body" has the meaning given in section 31B(12).

Status: *Point in time view as at 01/04/2009.*
Changes to legislation: *There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Chapter III. (See end of Document for details)*

(6) "Lending", in relation to a copy, means making it available for use, otherwise than for direct or indirect economic or commercial advantage, on terms that it will or may be returned.

(7) For the purposes of subsection (6), a loan is not to be treated as being for direct or indirect economic or commercial advantage if a charge is made for the loan which does not exceed the cost of making and supplying the copy.

(8) The definition of "lending" in section 18A does not apply for the purposes of sections 31B and 31C.

(9) "Visually impaired person" means a person—
- (a) who is blind;
- (b) who has an impairment of visual function which cannot be improved, by the use of corrective lenses, to a level that would normally be acceptable for reading without a special level or kind of light;
- (c) who is unable, through physical disability, to hold or manipulate a book; or
- (d) who is unable, through physical disability, to focus or move his eyes to the extent that would normally be acceptable for reading.

(10) The Secretary of State may by regulations prescribe—
- (a) the form in which; or
- (b) the procedure in accordance with which,

any notice required under section 31C(7) or (8), or 31D(1), must be given.

(11) Any power to make regulations or orders is exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.**]**

Textual Amendments

F19 S. 31F inserted (31.10.2003) by 2002 c. 33, ss. 6, 8(2); S.I. 2003/2499, **art. 2**

Education

32 Things done for purposes of instruction or examination.

[[F20](1) Copyright in a literary, dramatic, musical or artistic work is not infringed by its being copied in the course of instruction or of preparation for instruction, provided the copying—
- (a) is done by a person giving or receiving instruction,
- (b) is not done by means of a reprographic process, and
- (c) is accompanied by a sufficient acknowledgement,

and provided that the instruction is for a non-commercial purpose.

(2) Copyright in a sound recording, film or broadcast is not infringed by its being copied by making a film or film sound-track in the course of instruction, or of preparation for instruction, in the making of films or film sound-tracks, provided the copying—
- (a) is done by a person giving or receiving instruction, and
- (b) is accompanied by a sufficient acknowledgement,

and provided that the instruction is for a non-commercial purpose.

(2A) Copyright in a literary, dramatic, musical or artistic work which has been made available to the public is not infringed by its being copied in the course of instruction or of preparation for instruction, provided the copying—

(a) is fair dealing with the work,

(b) is done by a person giving or receiving instruction,

(c) is not done by means of a reprographic process, and

(d) is accompanied by a sufficient acknowledgement.

(2B) The provisions of section 30(1A) (works made available to the public) apply for the purposes of subsection (2A) as they apply for the purposes of section 30(1).**]**

(3) Copyright is not infringed by anything done for the purposes of an examination by way of setting the questions, communicating the questions to the candidates or answering the questions **[**[F21], provided that the questions are accompanied by a sufficient acknowledgement**]**.

[[F22](3A) No acknowledgement is required in connection with copying as mentioned in subsection (1), (2) or (2A), or in connection with anything done for the purposes mentioned in subsection (3), where this would be impossible for reasons of practicality or otherwise.**]**

(4) Subsection (3) does not extend to the making of a reprographic copy of a musical work for use by an examination candidate in performing the work.

(5) Where a copy which would otherwise be an infringing copy is made in accordance with this section but is subsequently dealt with, it shall be treated as an infringing copy for the purpose of that dealing, and if that dealing infringes copyright for all subsequent purposes.

[[F23]For this purpose "dealt with" means—

(a) sold or let for hire, offered or exposed for sale or hire; or

(b) communicated to the public, unless that communication, by virtue of subsection (3), is not an infringement of copyright.**]**

Textual Amendments

F20 S. 32(1)-(2B) substituted (31.10.2003) for s. 32(1)(2) by The Copyright and Related Rights Regulations 2003 (S.I 2003/2498), {reg. 11(a)} (with regs. 31-40)

F21 Words in s. 32(3) inserted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 11(b)** (with reg. 31-40)

F22 S. 32(3A) inserted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2598), **reg. 11(c)** (with regs. 31-40)

F23 Words in s. 32(5) substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 11(d)** (with regs. 31-40)

33 Anthologies for educational use.

(1) The inclusion of a short passage from a published literary or dramatic work in a collection which—

(a) is intended for use in educational establishments and is so described in its title, and in any advertisements issued by or on behalf of the publisher, and

(b) consists mainly of material in which no copyright subsists,

does not infringe the copyright in the work if the work itself is not intended for use in such establishments and the inclusion is accompanied by a sufficient acknowledgement.

(2) Subsection (1) does not authorise the inclusion of more than two excerpts from copyright works by the same author in collections published by the same publisher over any period of five years.

(3) In relation to any given passage the reference in subsection (2) to excerpts from works by the same author—

(a) shall be taken to include excerpts from works by him in collaboration with another, and

(b) if the passage in question is from such a work, shall be taken to include excerpts from works by any of the authors, whether alone or in collaboration with another.

(4) References in this section to the use of a work in an educational establishment are to any use for the educational purposes of such an establishment.

34 Performing, playing or showing work in course of activities of educational establishment.

(1) The performance of a literary, dramatic or musical work before an audience consisting of teachers and pupils at an educational establishment and other persons directly connected with the activities of the establishment—

(a) by a teacher or pupil in the course of the activities of the establishment, or

(b) at the establishment by any person for the purposes of instruction,

is not a public performance for the purposes of infringement of copyright.

(2) The playing or showing of a sound recording, film **[**[F24]or broadcast**]** before such an audience at an educational establishment for the purposes of instruction is not a playing or showing of the work in public for the purposes of infringement of copyright.

(3) A person is not for this purpose directly connected with the activities of the educational establishment simply because he is the parent of a pupil at the establishment.

Textual Amendments

F24 Words in s. 34(2) substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), reg. 2(1), **Sch. 1 para. 3(1)(f)** (with regs. 31-40)

35 Recording by educational establishments of broadcasts [F25]. . . .

(1) A recording of a broadcast [F26]. . . , or a copy of such a recording, may be made by or on behalf of an educational establishment for the educational purposes of that establishment without thereby infringing the copyright in the broadcast [F26]. . . , or in any work included in it **[**[F27], provided that it is accompanied by a sufficient acknowledgement of the broadcast and that the educational purposes are non-commercial**]**.

[[F28](1A) Copyright is not infringed where a recording of a broadcast or a copy of such a recording, whose making was by virtue of subsection (1) not an infringement of

copyright, is communicated to the public by a person situated within the premises of an educational establishment provided that the communication cannot be received by any person situated outside the premises of that establishment.**]**

(2) This section does not apply if or to the extent that there is a licensing scheme certified for the purposes of this section under section 143 providing for the grant of licences.

(3) Where a copy which would otherwise be an infringing copy is made in accordance with this section but is subsequently dealt with, it shall be treated as an infringing copy for the purposes of that dealing, and if that dealing infringes copyright for all subsequent purposes.

For this purpose "dealt with" means sold or let for hire **[**[F29], offered or exposed for sale or hire, or communicated from within the premises of an educational establishment to any person situated outside those premises.**]**

Textual Amendments

F25 Words in s. 35 heading repealed (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), reg. 2(2), **Sch. 2** (with regs. 31-40)

F26 Words in s. 35(1) repealed (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), reg. 2(2), **Sch. 2** (with regs. 31-40)

F27 Words in s. 35(1) inserted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 12(1)(a)** (with regs. 31-40)

F28 S. 35(1A) inserted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 12(1)(b)** (with regs. 31-40)

F29 Words in s. 35(3) substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 12(1)(c)** (with regs. 31-40)

Modifications etc. (not altering text)

C4 Ss. 35, 36 extended by S.I. 1989/1067, **art. 2**

36 Reprographic copying by educational establishments of passages from published works.

(1) Reprographic copies of passages from published literary, dramatic or musical works may, to the extent permitted by this section, be made by or on behalf of an educational establishment for the purposes of instruction without infringing any copyright in the work, **[**[F30]provided that they are accompanied by a sufficient acknowledgement and the instruction is for a non-commercial purpose**]**.

[[F31](1A) No acknowledgement is required in connection with the making of copies as mentioned in subsection (1) where this would be impossible for reasons of practicality or otherwise.

(1B) Reprographic copies of passages from published editions may, to the extent permitted by this section, be made by or on behalf of an educational establishment for the purposes of instruction without infringing any copyright in the typographical arrangement of the edition.**]**

(2) Not more than one per cent. of any work may be copied by or on behalf of an establishment by virtue of this section in any quarter, that is, in any period 1st January to 31st March, 1st April to 30th June, 1st July to 30th September or 1st October to 31st December.

(3) Copying is not authorised by this section if, or to the extent that, licences are available authorising the copying in question and the person making the copies knew or ought to have been aware of that fact.

(4) The terms of a licence granted to an educational establishment authorising the reprographic copying for the purposes of instruction of passages from published [F32]. . . works are of no effect so far as they purport to restrict the proportion of a work which may be copied (whether on payment or free of charge) to less than that which would be permitted under this section.

(5) Where a copy which would otherwise be an infringing copy is made in accordance with this section but is subsequently dealt with, it shall be treated as an infringing copy for the purposes of that dealing, and if that dealing infringes copyright for all subsequent purposes.

For this purpose "dealt with" means sold or let for hire **[**[F33], offered or exposed for sale or hire or communicated to the public.**]**

Textual Amendments

F30 Words in s. 36(1) substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 13(a)** (with regs. 31-40)

F31 S. 36(1A)(1B) inserted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 13(b)** (with regs. 31-40)

F32 Words in s. 36(4) repealed (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), reg. 2(2), **Sch. 2** (with regs. 31-40)

F33 Words in s. 36(5) substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 13(c)** (with regs. 31-40)

Modifications etc. (not altering text)

C5 Ss. 35, 36 extended by S.I. 1989/1067, **art. 2**

[[F34]**36A Lending of copies by educational establishments**

Copyright in a work is not infringed by the lending of copies of the work by an educational establishment.**]**

Textual Amendments

F34 S. 36A inserted (1.12.1996) by S.I. 1996/2967, **reg. 11(1)** (with Pt. III)

Libraries and archives

37 Libraries and archives: introductory.

(1) In sections 38 to 43 (copying by librarians and archivists)—

(a) references in any provision to a prescribed library or archive are to a library or archive of a description prescribed for the purposes of that provision by regulations made by the Secretary of State; and

(b) references in any provision to the prescribed conditions are to the conditions so prescribed.

(2) The regulations may provide that, where a librarian or archivist is required to be satisfied as to any matter before making or supplying a copy of a work—

(a) he may rely on a signed declaration as to that matter by the person requesting the copy, unless he is aware that it is false in a material particular, and

(b) in such cases as may be prescribed, he shall not make or supply a copy in the absence of a signed declaration in such form as may be prescribed.

(3) Where a person requesting a copy makes a declaration which is false in a material particular and is supplied with a copy which would have been an infringing copy if made by him—

(a) he is liable for infringement of copyright as if he had made the copy himself, and

(b) the copy shall be treated as an infringing copy.

(4) The regulations may make different provision for different descriptions of libraries or archives and for different purposes.

(5) Regulations shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) References in this section, and in sections 38 to 43, to the librarian or archivist include a person acting on his behalf.

38 Copying by librarians: articles in periodicals.

(1) The librarian of a prescribed library may, if the prescribed conditions are complied with, make and supply a copy of an article in a periodical without infringing any copyright in the text, in any illustrations accompanying the text or in the typographical arrangement.

(2) The prescribed conditions shall include the following—

[[F35](a) that copies are supplied only to persons satisfying the librarian that they require them for the purposes of—

(i) research for a non-commercial purpose, or

(ii) private study,

and will not use them for any other purpose;**]**

(b) that no person is furnished with more than one copy of the same article or with copies of more than one article contained in the same issue of a periodical; and

(c) that persons to whom copies are supplied are required to pay for them a sum not less than the cost (including a contribution to the general expenses of the library) attributable to their production.

Textual Amendments

F35 S. 38(2)(a) substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 14(1)** (with regs. 31-40)

39 Copying by librarians: parts of published works.

(1) The librarian of a prescribed library may, if the prescribed conditions are complied with, make and supply from a published edition a copy of part of a literary, dramatic or musical work (other than an article in a periodical) without infringing any copyright in the work, in any illustrations accompanying the work or in the typographical arrangement.

(2) The prescribed conditions shall include the following—

[[F36](a) that copies are supplied only to persons satisfying the librarian that they require them for the purposes of—

(i) research for a non-commercial purpose, or

(ii) private study,

and will not use them for any other purpose;**]**

(b) that no person is furnished with more than one copy of the same material or with a copy of more than a reasonable proportion of any work; and

(c) that persons to whom copies are supplied are required to pay for them a sum not less than the cost (including a contribution to the general expenses of the library) attributable to their production.

Textual Amendments

F36 S. 39(2)(a) substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 14(1)** (with regs. 31-40)

40 Restriction on production of multiple copies of the same material.

(1) Regulations for the purposes of sections 38 and 39 (copying by librarian of article or part of published work) shall contain provision to the effect that a copy shall be supplied only to a person satisfying the librarian that his requirement is not related to any similar requirement of another person.

(2) The regulations may provide—

(a) that requirements shall be regarded as similar if the requirements are for copies of substantially the same material at substantially the same time and for substantially the same purpose; and

(b) that requirements of persons shall be regarded as related if those persons receive instruction to which the material is relevant at the same time and place.

[[F37]40A Lending of copies by libraries or archives.

(1) Copyright in a work of any description is not infringed by the lending of a book by a public library if the book is within the public lending right scheme. For this purpose—

(a) "the public lending right scheme" means the scheme in force under section 1 of the Public Lending Right Act 1979, and

(b) a book is within the public lending right scheme if it is a book within the meaning of the provisions of the scheme relating to eligibility, whether or not it is in fact eligible.

(2) Copyright in a work is not infringed by the lending of copies of the work by a prescribed library or archive (other than a public library) which is not conducted for profit.**]**

Textual Amendments

F37 S. 40A inserted (1.12.1996) by S.I. 1996/2967, **reg. 11(2)** (with Pt. III)

Modifications etc. (not altering text)

C6 S. 40A(2) modified (1.12.1996) by S.I. 1996/2967, **reg. 35** (with Pt. III)

41 Copying by librarians: supply of copies to other libraries.

(1) The librarian of a prescribed library may, if the prescribed conditions are complied with, make and supply to another prescribed library a copy of—

(a) an article in a periodical, or

(b) the whole or part of a published edition of a literary, dramatic or musical work,

without infringing any copyright in the text of the article or, as the case may be, in the work, in any illustrations accompanying it or in the typographical arrangement.

(2) Subsection (1)(b) does not apply if at the time the copy is made the librarian making it knows, or could by reasonable inquiry ascertain, the name and address of a person entitled to authorise the making of the copy.

42 Copying by librarians or archivists: replacement copies of works.

(1) The librarian or archivist of a prescribed library or archive may, if the prescribed conditions are complied with, make a copy from any item in the permanent collection of the library or archive—

(a) in order to preserve or replace that item by placing the copy in its permanent collection in addition to or in place of it, or

(b) in order to replace in the permanent collection of another prescribed library or archive an item which has been lost, destroyed or damaged,

without infringing the copyright in any literary, dramatic or musical work, in any illustrations accompanying such a work or, in the case of a published edition, in the typographical arrangement.

(2) The prescribed conditions shall include provision for restricting the making of copies to cases where it is not reasonably practicable to purchase a copy of the item in question to fulfil that purpose.

43 Copying by librarians or archivists: certain unpublished works.

(1) The librarian or archivist of a prescribed library or archive may, if the prescribed conditions are complied with, make and supply a copy of the whole or part of a literary, dramatic or musical work from a document in the library or archive without infringing any copyright in the work or any illustrations accompanying it.

(2) This section does not apply if—

(a) the work had been published before the document was deposited in the library or archive, or

(b) the copyright owner has prohibited copying of the work,

and at the time the copy is made the librarian or archivist making it is, or ought to be, aware of that fact.

(3) The prescribed conditions shall include the following—

[F38(a) that copies are supplied only to persons satisfying the librarian or archivist that they require them for the purposes of—

(i) research for a non-commercial purpose, or

(ii) private study,

and will not use them for any other purpose;]

(b) that no person is furnished with more than one copy of the same material; and

(c) that persons to whom copies are supplied are required to pay for them a sum not less than the cost (including a contribution to the general expenses of the library or archive) attributable to their production.

Textual Amendments

F38 S. 43(3)(a) substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 14(2)** (with regs. 31-40)

44 Copy of work required to be made as condition of export.

If an article of cultural or historical importance or interest cannot lawfully be exported from the United Kingdom unless a copy of it is made and deposited in an appropriate library or archive, it is not an infringement of copyright to make that copy.

[F39 44A Legal deposit libraries

(1) Copyright is not infringed by the copying of a work from the internet by a deposit library or person acting on its behalf if—

(a) the work is of a description prescribed by regulations under section 10(5) of the 2003 Act,

(b) its publication on the internet, or a person publishing it there, is connected with the United Kingdom in a manner so prescribed, and

(c) the copying is done in accordance with any conditions so prescribed.

(2) Copyright is not infringed by the doing of anything in relation to relevant material permitted to be done under regulations under section 7 of the 2003 Act.

(3) The Secretary of State may by regulations make provision excluding, in relation to prescribed activities done in relation to relevant material, the application of such of the provisions of this Chapter as are prescribed.

(4) Regulations under subsection (3) may in particular make provision prescribing activities—

(a) done for a prescribed purpose,

(b) done by prescribed descriptions of reader,

(c) done in relation to prescribed descriptions of relevant material,

(d) done other than in accordance with prescribed conditions.

(5) Regulations under this section may make different provision for different purposes.

(6) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) In this section—

(a) "the 2003 Act" means the Legal Deposit Libraries Act 2003;

(b) "deposit library", "reader" and "relevant material" have the same meaning as in section 7 of the 2003 Act;

(c) "prescribed" means prescribed by regulations made by the Secretary of State.**]**

Textual Amendments

F39 S. 44A inserted (1.2.2004) by Legal Deposit Libraries Act 2003 (c. 28), **ss. 8(1)**, 16(1) (with s. 16(4)); S.I. 2004/130, **art. 2**

Public administration

45 Parliamentary and judicial proceedings.

(1) Copyright is not infringed by anything done for the purposes of parliamentary or judicial proceedings.

(2) Copyright is not infringed by anything done for the purposes of reporting such proceedings; but this shall not be construed as authorising the copying of a work which is itself a published report of the proceedings.

46 Royal Commissions and statutory inquiries.

(1) Copyright is not infringed by anything done for the purposes of the proceedings of a Royal Commission or statutory inquiry.

(2) Copyright is not infringed by anything done for the purpose of reporting any such proceedings held in public; but this shall not be construed as authorising the copying of a work which is itself a published report of the proceedings.

(3) Copyright in a work is not infringed by the issue to the public of copies of the report of a Royal Commission or statutory inquiry containing the work or material from it.

(4) In this section—

"Royal Commission" includes a Commission appointed for Northern Ireland by the Secretary of State in pursuance of the prerogative powers of Her Majesty delegated to him under section 7(2) of the [M1]Northern Ireland Constitution Act 1973; and

"statutory inquiry" means an inquiry held or investigation conducted in pursuance of a duty imposed or power conferred by or under an enactment.

Marginal Citations

M1 1973 c. 36.

47 Material open to public inspection or on official register.

(1) Where material is open to public inspection pursuant to a statutory requirement, or is on a statutory register, any copyright in the material as a literary work is not infringed by the copying of so much of the material as contains factual information of any description, by or with the authority of the appropriate person, for a purpose which does not involve the issuing of copies to the public.

(2) Where material is open to public inspection pursuant to a statutory requirement, copyright is not infringed by the copying or issuing to the public of copies of the material, by or with the authority of the appropriate person, for the purpose of enabling the material to be inspected at a more convenient time or place or otherwise facilitating the exercise of any right for the purpose of which the requirement is imposed.

(3) Where material which is open to public inspection pursuant to a statutory requirement, or which is on a statutory register, contains information about matters of general scientific, technical, commercial or economic interest, copyright is not infringed by the copying or issuing to the public of copies of the material, by or with the authority of the appropriate person, for the purpose of disseminating that information.

(4) The Secretary of State may by order provide that subsection (1), (2) or (3) shall, in such cases as may be specified in the order, apply only to copies marked in such manner as may be so specified.

(5) The Secretary of State may by order provide that subsections (1) to (3) apply, to such extent and with such modifications as may be specified in the order—

(a) to material made open to public inspection by—

(i) an international organisation specified in the order, or

(ii) a person so specified who has functions in the United Kingdom under an international agreement to which the United Kingdom is party, or

(b) to a register maintained by an international organisation specified in the order,

as they apply in relation to material open to public inspection pursuant to a statutory requirement or to a statutory register.

(6) In this section—

"appropriate person" means the person required to make the material open to public inspection or, as the case may be, the person maintaining the register;

"statutory register" means a register maintained in pursuance of a statutory requirement; and

"statutory requirement" means a requirement imposed by provision made by or under an enactment.

(7) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Modifications etc. (not altering text)

C7 S. 47(1) extended with modifications by S.I. 1989/1098, **art. 2**

C8 S. 47(2) modified by S.I. 1990/1427, **art. 2**

C9 S. 47(2)(3) extended with modifications by S.I. 1989/1098, **art. 2**

C10 S. 47(2)(3) modified by S.I. 1989/1099, **art. 2**

C11 S. 47(6) modified (1.3.2010) by The Scottish Register of Tartans Act 2008 (Consequential Modifications) Order 2010 (S.I. 2010/180), **art. 2(2)** (with art. 2(4))

48 Material communicated to the Crown in the course of public business.

(1) This section applies where a literary, dramatic, musical or artistic work has in the course of public business been communicated to the Crown for any purpose, by or with the licence of the copyright owner and a document or other material thing recording or embodying the work is owned by or in the custody or control of the Crown.

(2) The Crown may, for the purpose for which the work was communicated to it, or any related purpose which could reasonably have been anticipated by the copyright owner, copy the work and issue copies of the work to the public without infringing any copyright in the work.

(3) The Crown may not copy a work, or issue copies of a work to the public, by virtue of this section if the work has previously been published otherwise than by virtue of this section.

(4) In subsection (1) "public business" includes any activity carried on by the Crown.

(5) This section has effect subject to any agreement to the contrary between the Crown and the copyright owner.

[[F40](6) In this section "the Crown" includes a health service body, as defined in section 60(7) of the National Health Service and Community Care Act 1990, **[**[F41]a Primary Care Trust established under **[**[F42]section 18 of the National Health Service Act 2006**]**,**]**[F43]the Care Quality Commission**]** and a National Health Service trust established under **[**[F44]section 25 of the National Health Service Act 2006, section 18 of the National Health Service (Wales) Act 2006**]** or the National Health Service (Scotland) Act 1978 **[**[F45]and an NHS foundation trust**]**[F46]and also includes a health and social services body, as defined in Article 7(6) of the Health and Personal Social Services (Northern Ireland) Order 1991, and a Health and Social Services trust established under that Order**]**, and the reference in subsection (1) above to public business shall be construed accordingly.**]**

Textual Amendments

F40 S. 48(6) added by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 60(2), **Sch. 8 para. 3**

F41 Words in s. 48(6) inserted (8.2.2000) by S.I. 2000/90, art. 3(1), **Sch. 1 para. 22**

F42 Words in s. 48(6) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8, **Sch. 1 para. 112(a)** (with s. 5, Sch. 3 Pt. 1)

F43 Words in s. 48(6) substituted (1.4.2009) by Health and Social Care Act 2008 (c. 14), ss. 95, 170(3), **Sch. 5 para. 60**; S.I. 2009/462, art. 2, Sch. 1 paras. 30, 35(x)

F44 Words in s. 48(6) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), ss. 2, 8, **Sch. 1 para. 112(b)** (with s. 5, Sch. 3 Pt. 1)

F45 Words in s. 48(6) inserted (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 34, 199(1), **Sch. 4 para. 72**; S.I. 2004/759, **art. 2**

F46 Words in s. 48(6) inserted (1.4.1992) by S.I. 1991/194, art. 7(2), **Sch. 2 Pt. I para. 3**; S.R. 1991/131, art. 2(e), **Sch. Pt. III**

Modifications etc. (not altering text)

C12 S. 48: functions made exercisable by Local Health Boards (E.W.) (1.10.2009) by The Local Health Boards (Directed Functions) (Wales) Regulations 2009 (S.I. 2009/1511), reg. 4, **Sch.** (subject to reg. 5)

C13 S. 48(6) modified (temp. from 1.10.2008) by The Health and Social Care Act 2008 (Consequential Amendments and Transitory Provisions) Order 2008 (S.I. 2008/2250), **art. 3(3)**

49 Public records.

Material which is comprised in public records within the meaning of the [M2]Public Records Act 1958, the [M3]Public Records (Scotland) Act 1937 or the [M4]Public Records Act (Northern Ireland) 1923 **[**[F47], or in Welsh public records (as defined in the **[**[F48]the Government of Wales Act 2006**]**),**]** which are open to public inspection in pursuance of that Act, may be copied, and a copy may be supplied to any person, by or with the authority of any officer appointed under that Act, without infringement of copyright.

Textual Amendments

F47 Words in s. 49 inserted (1.4.1999) by 1998 c. 38, s. 125, **Sch. 12 para. 27** (with ss. 139(2), 143(2)); S.I. 1999/782, **art. 2**

F48 Words in s. 49 substituted by Government of Wales Act 2006 (c. 32), s. 160(1), **Sch. 10 para. 24** (with Sch. 11 para. 22), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act.

Marginal Citations

M2 1958 c. 51.

M3 1937 c. 43.

M4 1923 c. 20 (N.I.).

50 Acts done under statutory authority.

(1) Where the doing of a particular act is specifically authorised by an Act of Parliament, whenever passed, then, unless the Act provides otherwise, the doing of that act does not infringe copyright.

(2) Subsection (1) applies in relation to an enactment contained in Northern Ireland legislation as it applies in relation to an Act of Parliament.

(3) Nothing in this section shall be construed as excluding any defence of statutory authority otherwise available under or by virtue of any enactment.

Modifications etc. (not altering text)

C14 S. 50 applied by Freedom of Information Act 2000 (c. 36), s. 80(3) (as added (1.1.2005) by The Freedom of Information (Scotland) Act 2002 (Consequential Modifications) Order 2004 (S.I. 2004/3089), **art. 3(2)**)

C15 S. 50(1) modified (1.3.2010) by The Scottish Register of Tartans Act 2008 (Consequential Modifications) Order 2010 (S.I. 2010/180), **art. 2(3)** (with art. 2(4))

[[F49]Computer programs: lawful users

Textual Amendments

F49 Cross-heading and ss. 50A-50C inserted (1.1.1993) by S.I. 1992/3233, **reg.8**.

[F50]50A Back up copies.

(1) It is not an infringement of copyright for a lawful user of a copy of a computer program to make any back up copy of it which it is necessary for him to have for the purposes of his lawful use.

(2) For the purposes of this section and sections 50B **[**[F51], 50BA**]** and 50C a person is a lawful user of a computer program if (whether under a licence to do any acts restricted by the copyright in the program or otherwise), he has a right to use the program.

(3) Where an act is permitted under this section, it is irrelevant whether or not there exists any term or condition in an agreement which purports to prohibit or restrict the act (such terms being, by virtue of section 296A, void).

Textual Amendments

F50 Ss. 50A-50C inserted (1.1.1993) by S.I. 1992/3233, **reg.8**.

F51 S. 50A(2): ", 50BA" inserted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 15(2)** (with regs. 31-40)

[F52]50B Decompilation.

(1) It is not an infringement of copyright for a lawful user of a copy of a computer program expressed in a low level language—

(a) to convert it into a version expressed in a higher level language, or

(b) incidentally in the course of so converting the program, to copy it,

(that is, to "decompile" it), provided that the conditions in subsection (2) are met.

(2) The conditions are that—

(a) it is necessary to decompile the program to obtain the information necessary to create an independent program which can be operated with the program decompiled or with another program ("the permitted objective"); and

(b) the information so obtained is not used for any purpose other than the permitted objective.

(3) In particular, the conditions in subsection (2) are not met if the lawful user—

(a) has readily available to him the information necessary to achieve the permitted objective;

(b) does not confine the decompiling to such acts as are necessary to achieve the permitted objective;

(c) supplies the information obtained by the decompiling to any person to whom it is not necessary to supply it in order to achieve the permitted objective; or

(d) uses the information to create a program which is substantially similar in its expression to the program decompiled or to do any act restricted by copyright.

(4) Where an act is permitted under this section, it is irrelevant whether or not there exists any term or condition in an agreement which purports to prohibit or restrict the act (such terms being, by virtue of section 296A, void).

Textual Amendments

F52 Ss. 50A-50C inserted (1.1.1993) by S.I. 1992/3233, **reg.8**.

[F53 50BA Observing, studying and testing of computer programs

(1) It is not an infringement of copyright for a lawful user of a copy of a computer program to observe, study or test the functioning of the program in order to determine the ideas and principles which underlie any element of the program if he does so while performing any of the acts of loading, displaying, running, transmitting or storing the program which he is entitled to do.

(2) Where an act is permitted under this section, it is irrelevant whether or not there exists any term or condition in an agreement which purports to prohibit or restrict the act (such terms being, by virtue of section 296A, void).**]**

Textual Amendments

F53 S. 50BA inserted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 15(1)** (with regs. 31-40)

F54 50C Other acts permitted to lawful users.

(1) It is not an infringement of copyright for a lawful user of a copy of a computer program to copy or adapt it, provided that the copying or adapting—

(a) is necessary for his lawful use; and

(b) is not prohibited under any term or condition of an agreement regulating the circumstances in which his use is lawful.

(2) It may, in particular, be necessary for the lawful use of a computer program to copy it or adapt it for the purpose of correcting errors in it.

(3) This section does not apply to any copying or adapting permitted under **[**F55 section 50A, 50B or 50BA**].]**

Textual Amendments

F54 Ss. 50A-50C inserted (1.1.1993) by S.I. 1992/3233, **reg.8**.

F55 Words in s. 50C(3) substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 15(3)** (with regs. 31-40)

[F56 Databases: permitted acts]

Textual Amendments

F56 S. 50D and crossheading inserted (1.1.1998) by S.I. 1997/3032, **reg. 9** (with Pt. IV)

50D [[F57] Acts permitted in relation to databases.]

(1) It is not an infringement of copyright in a database for a person who has a right to use the database or any part of the database, (whether under a licence to do any of the acts restricted by the copyright in the database or otherwise) to do, in the exercise of that right, anything which is necessary for the purposes of access to and use of the contents of the database or of that part of the database.

(2) Where an act which would otherwise infringe copyright in a database is permitted under this section, it is irrelevant whether or not there exists any term or condition in any agreement which purports to prohibit or restrict the act (such terms being, by virtue of section 296B, void).

Textual Amendments

F57 S. 50D inserted (1.1.1998) by S.I. 1997/3032, **reg. 9** (with Pt. IV)

Designs

51 Design documents and models.

(1) It is not an infringement of any copyright in a design document or model recording or embodying a design for anything other than an artistic work or a typeface to make an article to the design or to copy an article made to the design.

(2) Nor is it an infringement of the copyright to issue to the public, or include in a film **[**[F58]or communicate to the public**]**, anything the making of which was, by virtue of subsection (1), not an infringement of that copyright.

(3) In this section—

"design" means the design of any aspect of the shape or configuration (whether internal or external) of the whole or part of an article, other than surface decoration; and

"design document" means any record of a design, whether in the form of a drawing, a written description, a photograph, data stored in a computer or otherwise.

Textual Amendments

F58 Words in s. 51(2) substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), reg. 2(1), **Sch. 1 para. 8(3)** (with regs. 31-40)

52 Effect of exploitation of design derived from artistic work.

(1) This section applies where an artistic work has been exploited, by or with the licence of the copyright owner, by—

(a) making by an industrial process articles falling to be treated for the purposes of this Part as copies of the work, and

(b) marketing such articles, in the United Kingdom or elsewhere.

Status: *Point in time view as at 01/04/2009.*
Changes to legislation: *There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Chapter III. (See end of Document for details)*

(2) After the end of the period of 25 years from the end of the calendar year in which such articles are first marketed, the work may be copied by making articles of any description, or doing anything for the purpose of making articles of any description, and anything may be done in relation to articles so made, without infringing copyright in the work.

(3) Where only part of an artistic work is exploited as mentioned in subsection (1), subsection (2) applies only in relation to that part.

(4) The Secretary of State may by order make provision—
- (a) as to the circumstances in which an article, or any description of article, is to be regarded for the purposes of this section as made by an industrial process;
- (b) excluding from the operation of this section such articles of a primarily literary or artistic character as he thinks fit.

(5) An order shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) In this section—
- (a) references to articles do not include films; and
- (b) references to the marketing of an article are to its being sold or let for hire or offered or exposed for sale or hire.

Modifications etc. (not altering text)
C16 S. 52 excluded by S.I. 1989/1070, **art. 3**

53 Things done in reliance on registration of design.

(1) The copyright in an artistic work is not infringed by anything done—
- (a) in pursuance of an assignment or licence made or granted by a person registered under the [M5]Registered Designs Act 1949 as the proprietor of a corresponding design, and
- (b) in good faith in reliance on the registration and without notice of any proceedings for the cancellation **[**[F59]or invalidation**]** of the registration or for rectifying the relevant entry in the register of designs;

and this is so notwithstanding that the person registered as the proprietor was not the proprietor of the design for the purposes of the 1949 Act.

(2) In subsection (1) a "corresponding design", in relation to an artistic work, means a design within the meaning of the 1949 Act which if applied to an article would produce something which would be treated for the purposes of this Part as a copy of the artistic work.

Textual Amendments
F59 Words in s. 53(1)(b) inserted (9.12.2001) by S.I. 2001/3949, reg. 9(1), **Sch. 1 para. 16** (with transitional provisions in regs. 10-14)

Marginal Citations
M5 1949 c. 88.

Typefaces

54 Use of typeface in ordinary course of printing.

(1) It is not an infringement of copyright in an artistic work consisting of the design of a typeface—

(a) to use the typeface in the ordinary course of typing, composing text, typesetting or printing,

(b) to possess an article for the purpose of such use, or

(c) to do anything in relation to material produced by such use;

and this is so notwithstanding that an article is used which is an infringing copy of the work.

(2) However, the following provisions of this Part apply in relation to persons making, importing or dealing with articles specifically designed or adapted for producing material in a particular typeface, or possessing such articles for the purpose of dealing with them, as if the production of material as mentioned in subsection (1) did infringe copyright in the artistic work consisting of the design of the typeface—

section 24 (secondary infringement: making, importing, possessing or dealing with article for making infringing copy),

sections 99 and 100 (order for delivery up and right of seizure),

section 107(2) (offence of making or possessing such an article), and

section 108 (order for delivery up in criminal proceedings).

(3) The references in subsection (2) to "dealing with" an article are to selling, letting for hire, or offering or exposing for sale or hire, exhibiting in public, or distributing.

55 Articles for producing material in particular typeface.

(1) This section applies to the copyright in an artistic work consisting of the design of a typeface where articles specifically designed or adapted for producing material in that typeface have been marketed by or with the licence of the copyright owner.

(2) After the period of 25 years from the end of the calendar year in which the first such articles are marketed, the work may be copied by making further such articles, or doing anything for the purpose of making such articles, and anything may be done in relation to articles so made, without infringing copyright in the work.

(3) In subsection (1) "marketed" means sold, let for hire or offered or exposed for sale or hire, in the United Kingdom or elsewhere.

Works in electronic form

56 Transfers of copies of works in electronic form.

(1) This section applies where a copy of a work in electronic form has been purchased on terms which, expressly or impliedly or by virtue of any rule of law, allow the purchaser to copy the work, or to adapt it or make copies of an adaptation, in connection with his use of it.

(2) If there are no express terms—

Status: *Point in time view as at 01/04/2009.*
Changes to legislation: *There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Chapter III. (See end of Document for details)*

(a) prohibiting the transfer of the copy by the purchaser, imposing obligations which continue after a transfer, prohibiting the assignment of any licence or terminating any licence on a transfer, or

(b) providing for the terms on which a transferee may do the things which the purchaser was permitted to do,

anything which the purchaser was allowed to do may also be done without infringement of copyright by a transferee; but any copy, adaptation or copy of an adaptation made by the purchaser which is not also transferred shall be treated as an infringing copy for all purposes after the transfer.

(3) The same applies where the original purchased copy is no longer usable and what is transferred is a further copy used in its place.

(4) The above provisions also apply on a subsequent transfer, with the substitution for references in subsection (2) to the purchaser of references to the subsequent transferor.

Miscellaneous: literary, dramatic, musical and artistic works

57 Anonymous or pseudonymous works: acts permitted on assumptions as to expiry of copyright or death of author.

(1) Copyright in a literary, dramatic, musical or artistic work is not infringed by an act done at a time when, or in pursuance of arrangements made at a time when—

(a) it is not possible by reasonable inquiry to ascertain the identity of the author, and

(b) it is reasonable to assume—

(i) that copyright has expired, or

(ii) that the author died **[**[F60]70 years**]** or more before the beginning of the calendar year in which the act is done or the arrangements are made.

(2) Subsection (1)(b)(ii) does not apply in relation to—

(a) a work in which Crown copyright subsists, or

(b) a work in which copyright originally vested in an international organisation by virtue of section 168 and in respect of which an Order under that section specifies a copyright period longer than **[**[F60]70 years**]**.

(3) In relation to a work of joint authorship—

(a) the reference in subsection (1) to its being possible to ascertain the identity of the author shall be construed as a reference to its being possible to ascertain the identity of any of the authors, and

(b) the reference in subsection (1)(b)(ii) to the author having died shall be construed as a reference to all the authors having died.

Textual Amendments

F60 Words in s. 57(1)(b)(ii)(2)(b) substituted (with saving) (1.1.1996) by S.I. 1995/3297, **regs. 5(2)**, 15(2) (with Pt. III)

58 Use of notes or recordings of spoken words in certain cases.

(1) Where a record of spoken words is made, in writing or otherwise, for the purpose—

(a) of reporting current events, or

(b) of **[**[F61]communicating to the public**]** the whole or part of the work,

it is not an infringement of any copyright in the words as a literary work to use the record or material taken from it (or to copy the record, or any such material, and use the copy) for that purpose, provided the following conditions are met.

(2) The conditions are that—

(a) the record is a direct record of the spoken words and is not taken from a previous record or from a broadcast [F62]. . . ;

(b) the making of the record was not prohibited by the speaker and, where copyright already subsisted in the work, did not infringe copyright;

(c) the use made of the record or material taken from it is not of a kind prohibited by or on behalf of the speaker or copyright owner before the record was made; and

(d) the use is by or with the authority of a person who is lawfully in possession of the record.

Textual Amendments

F61 Words in s. 58(1) substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), reg. 2(1), **Sch. 1 para. 12(a)** (with regs. 31-40)

F62 Words in s. 58(2)(b) repealed (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), reg. 2(2), **Sch. 2** (with regs. 31-40)

59 Public reading or recitation.

(1) The reading or recitation in public by one person of a reasonable extract from a published literary or dramatic work does not infringe any copyright in the work if it is accompanied by a sufficient acknowledgement.

(2) Copyright in a work is not infringed by the making of a sound recording, or the **[**[F63]communication to the public**]**, of a reading or recitation which by virtue of subsection (1) does not infringe copyright in the work, provided that the recording **[**[F64]or communication to the public**]** consists mainly of material in relation to which it is not necessary to rely on that subsection.

Textual Amendments

F63 Words in s. 59(2) substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), reg. 2(1), **Sch. 1 para. 5(b)** (with regs. 31-40)

F64 Words in s. 59(2) substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), reg. 2(1), **Sch. 1 para. 9(1)(a)** (with regs. 31-40)

60 Abstracts of scientific or technical articles.

(1) Where an article on a scientific or technical subject is published in a periodical accompanied by an abstract indicating the contents of the article, it is not an infringement of copyright in the abstract, or in the article, to copy the abstract or issue copies of it to the public.

(2) This section does not apply if or to the extent that there is a licensing scheme certified for the purposes of this section under section 143 providing for the grant of licences.

61 Recordings of folksongs.

(1) A sound recording of a performance of a song may be made for the purpose of including it in an archive maintained by a designated body without infringing any copyright in the words as a literary work or in the accompanying musical work, provided the conditions in subsection (2) below are met.

(2) The conditions are that—

(a) the words are unpublished and of unknown authorship at the time the recording is made,

(b) the making of the recording does not infringe any other copyright, and

(c) its making is not prohibited by any performer.

(3) Copies of a sound recording made in reliance on subsection (1) and included in an archive maintained by a designated body may, if the prescribed conditions are met, be made and supplied by the archivist without infringing copyright in the recording or the works included in it.

(4) The prescribed conditions shall include the following—

[[F65](a) that copies are only supplied to persons satisfying the archivist that they require them for the purposes of—

(i) research for a non-commercial purpose, or

(ii) private study,

and will not use them for any other purpose, and.**]**

(b) that no person is furnished with more than one copy of the same recording.

(5) In this section—

(a) "designated" means designated for the purposes of this section by order of the Secretary of State, who shall not designate a body unless satisfied that it is not established or conducted for profit,

(b) "prescribed" means prescribed for the purposes of this section by order of the Secretary of State, and

(c) references to the archivist include a person acting on his behalf.

(6) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F65 S. 61(4)(a) substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 16** (with regs. 31-40)

62 Representation of certain artistic works on public display.

(1) This section applies to—

(a) buildings, and

(b) sculptures, models for buildings and works of artistic craftsmanship, if permanently situated in a public place or in premises open to the public.

(2) The copyright in such a work is not infringed by—

(a) making a graphic work representing it,

(b) making a photograph or film of it, or

(c) **[**[F66]making a broadcast of**]** a visual image of it.

(3) Nor is the copyright infringed by the issue to the public of copies, or the **[**[F67]communication to the public**]**, of anything whose making was, by virtue of this section, not an infringement of the copyright.

Textual Amendments

F66 Words in s. 62(2)(c) substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), reg. 2(1), **Sch. 1 para. 14** (with regs. 31-40)

F67 Words in s. 62(3)(c) substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), reg. 2(1), **Sch. 1 para. 5(c)** (with regs. 31-40)

63 Advertisement of sale of artistic work.

(1) It is not an infringement of copyright in an artistic work to copy it, or to issue copies to the public, for the purpose of advertising the sale of the work.

(2) Where a copy which would otherwise be an infringing copy is made in accordance with this section but is subsequently dealt with for any other purpose, it shall be treated as an infringing copy for the purposes of that dealing, and if that dealing infringes copyright for all subsequent purposes.

For this purpose "dealt with" means sold or let for hire, offered or exposed for sale or hire, exhibited in public **[**[F68], distributed or communicated to the public**]**.

Textual Amendments

F68 Words in s. 63(2) substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 17** (with regs. 31-40)

64 Making of subsequent works by same artist.

Where the author of an artistic work is not the copyright owner, he does not infringe the copyright by copying the work in making another artistic work, provided he does not repeat or imitate the main design of the earlier work.

65 Reconstruction of buildings.

Anything done for the purposes of reconstructing a building does not infringe any copyright—

(a) in the building, or

(b) in any drawings or plans in accordance with which the building was, by or with the licence of the copyright owner, constructed.

[F69 Miscellaneous: lending of works and playing of sound recordings]

Textual Amendments

F69 S. 66 and crossheading substituted (1.12.1996) by S.I. 1996/2967, **reg. 11(3)** (with Pt. III)

66 [F70 Lending to public of copies of certain works.]

(1) The Secretary of State may by order provide that in such cases as may be specified in the order the lending to the public of copies of literary, dramatic, musical or artistic works, sound recordings or films shall be treated as licensed by the copyright owner subject only to the payment of such reasonable royalty or other payment as may be agreed or determined in default of agreement by the Copyright Tribunal.

(2) No such order shall apply if, or to the extent that, there is a licensing scheme certified for the purposes of this section under section 143 providing for the grant of licences.

(3) An order may make different provision for different cases and may specify cases by reference to any factor relating to the work, the copies lent, the lender or the circumstances of the lending.

(4) An order shall be made by statutory instrument; and no order shall be made unless a draft of it has been laid before and approved by a resolution of each House of Parliament.

(5) Nothing in this section affects any liability under section 23 (secondary infringement: possessing or dealing with infringing copy) in respect of the lending of infringing copies.

Textual Amendments

F70 S. 66 substituted (1.12.1996) by S.I. 1996/2967, **reg. 11(3)** (with Pt. III)

[F71 MISCellaneous: films and sound recordings]

Textual Amendments

F71 S. 66A and crossheading inserted (1.1.1996) by S.I. 1995/3297, **reg. 6(2)** (with Pt. III)

66A [F72 Films: acts permitted on assumptions as to expiry of copyright, &c.]

(1) Copyright in a film is not infringed by an act done at a time when, or in pursuance of arrangements made at a time when—

(a) it is not possible by reasonable inquiry to ascertain the identity of any of the persons referred to in section 13B(2)(a) to (d) (persons by reference to whose life the copyright period is ascertained), and

(b) it is reasonable to assume—

(i) that copyright has expired, or

(ii) that the last to die of those persons died 70 years or more before the beginning of the calendar year in which the act is done or the arrangements are made.

(2) Subsection (1)(b)(ii) does not apply in relation to—

(a) a film in which Crown copyright subsists, or

(b) a film in which copyright originally vested in an international organisation by virtue of section 168 and in respect of which an Order under that section specifies a copyright period longer than 70 years.

Textual Amendments

F72 S. 66A inserted (1.1.1996) by S.I. 1995/3297, **reg. 6(2)** (with Pt. III)

67 Playing of sound recordings for purposes of club, society, &c.

(1) It is not an infringement of the copyright in a sound recording to play it as part of the activities of, or for the benefit of, a club, society or other organisation if the following conditions are met.

(2) The conditions are—

(a) that the organisation is not established or conducted for profit and its main objects are charitable or are otherwise concerned with the advancement of religion, education or social welfare,

[[F73](b) that the sound recording is played by a person who is acting primarily and directly for the benefit of the organisation and who is not acting with a view to gain,

(c) that the proceeds of any charge for admission to the place where the recording is to be heard are applied solely for the purposes of the organisation, and

(d) that the proceeds from any goods or services sold by, or on behalf of, the organisation—

(i) in the place where the sound recording is heard, and

(ii) on the occasion when the sound recording is played, are applied solely for the purposes of the organisation.**]**

Textual Amendments

F73 S. 67(2)(b)-(d) substituted (31.10.2003) for word "and" at the end of s. 67(2)(a) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 18(1)** (with regs. 31-40)

Miscellaneous: broadcasts [F74]. . .

Textual Amendments

F74 Words in heading before s. 68 repealed (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), reg. 2(2), **Sch. 2** (with regs. 32, 33)

68 Incidental recording for purposes of broadcast [F75]. . . .

(1) This section applies where by virtue of a licence or assignment of copyright a person is authorised to broadcast [F76]. . . —

(a) a literary, dramatic or musical work, or an adaptation of such a work,

(b) an artistic work, or

(c) a sound recording or film.

(2) He shall by virtue of this section be treated as licensed by the owner of the copyright in the work to do or authorise any of the following for the purposes of the broadcast [F76]. . . —

(a) in the case of a literary, dramatic or musical work, or an adaptation of such a work, to make a sound recording or film of the work or adaptation;

(b) in the case of an artistic work, to take a photograph or make a film of the work;

(c) in the case of a sound recording or film, to make a copy of it.

(3) That licence is subject to the condition that the recording, film, photograph or copy in question—

(a) shall not be used for any other purpose, and

(b) shall be destroyed within 28 days of being first used for broadcasting the work [F76]. . . .

(4) A recording, film, photograph or copy made in accordance with this section shall be treated as an infringing copy—

(a) for the purposes of any use in breach of the condition mentioned in subsection (3)(a), and

(b) for all purposes after that condition or the condition mentioned in subsection (3)(b) is broken.

Textual Amendments

F75 Words in s. 68 heading repealed (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), reg. 2(2), **Sch. 2** (with regs. 31-40)

F76 Words in s. 68(1)(2)(3)(b) repealed (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), reg. 2(2), **Sch. 2** (with regs. 31-40)

69 Recording for purposes of supervision and control of broadcasts and [[F77]other services].

(1) Copyright is not infringed by the making or use by the British Broadcasting Corporation, for the purpose of maintaining supervision and control over programmes broadcast by them, of recordings of those programmes.

[[F78F79](2) Copyright is not infringed by anything done in pursuance of—

[[F80](a) section 167(1) of the Broadcasting Act 1990, section 115(4) or (6) or 117 of the Broadcasting Act 1996 or paragraph 20 of Schedule 12 to the Communications Act 2003;]

(b) a condition which, [[F81]by virtue of section 334(1) of the Communications Act 2003], is included in a licence granted under Part I or III of that Act or Part I or II of the Broadcasting Act 1996; [F82]. . .

(c) a direction given under section 109(2) of the Broadcasting Act 1990 (power of **[**[F83]OFCOM**]** to require production of recordings etc).

[[F84](d) section 334(3) of the Communications Act 2003.**]**

[[F78](3) Copyright is not infringed by the use by OFCOM in connection with the performance of any of their functions under the Broadcasting Act 1990, the Broadcasting Act 1996 or the Communications Act 2003 of—

(a) any recording, script or transcript which is provided to them under or by virtue of any provision of those Acts; or

(b) any existing material which is transferred to them by a scheme made under section 30 of the Communications Act 2003.

(4) In subsection (3), "existing material" means—

(a) any recording, script or transcript which was provided to the Independent Television Commission or the Radio Authority under or by virtue of any provision of the Broadcasting Act 1990 or the Broadcasting Act 1996; and

(b) any recording or transcript which was provided to the Broadcasting Standards Commission under section 115(4) or (6) or 116(5) of the Broadcasting Act 1996.**]]**

Textual Amendments

F77 Words in s. 69 heading substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), reg. 2(1), **Sch. 1 para. 2(1)** (with regs. 31-40)

F78 S. 69(3)(4) substituted (29.12.2003) for s. 69(3) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 91(3)** (with Sch. 18); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F79 S. 69(2)(3) substituted (1.10.1996 for specified purposes and otherwise 1.4.1997) by 1996 c. 55, s. 148(1), **Sch. 10 Pt. III para. 31** (with s. 43(6)); S.I. 1996/2120, art. 4, **Sch. 1**; S.I. 1997/1005, **art. 4**

F80 S. 69(2)(a) substituted (29.12.2003) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 91(2)(a)** (with Sch. 18); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F81 Words in s. 69(2)(b) substituted (29.12.2003) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 91(2)(b)** (with Sch. 18); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F82 Word in s. 69(2)(b) repealed (29.12.2003) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 19(1)** (with Sch. 18, Sch. 19(1) Note 1); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F83 Words in s. 69(2)(c) substituted (29.12.2003) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 91(2)(c)** (with Sch. 18); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F84 S. 69(2)(d) inserted (29.12.2003) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 91(2)(d)** (with Sch. 18); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

Modifications etc. (not altering text)

C17 S. 69 modified (20.7.2004) The Contracting Out (Functions relating to Broadcast Advertising) and Specification of Relevant Functions Order 2004 (S.I. 2004/1975), **art. 9(1)(2)** (with reg. 5)

70 Recording for purposes of time-shifting.

[[F85](1)**]** The making **[**[F86] in domestic premises**]** for private and domestic use of a recording of a broadcast [F87]. . . solely for the purpose of enabling it to be viewed or listened to at a more convenient time does not infringe any copyright in the broadcast [F87]. . . or in any work included in it.

[[F88](2) Where a copy which would otherwise be an infringing copy is made in accordance with this section but is subsequently dealt with—

(a) it shall be treated as an infringing copy for the purposes of that dealing; and

(b) if that dealing infringes copyright, it shall be treated as an infringing copy for all subsequent purposes.

(3) In subsection (2), "dealt with" means sold or let for hire, offered or exposed for sale or hire or communicated to the public.**]**

Textual Amendments

F85 S. 70 renumbered (31.10.2003) as s. 70(1) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 19(1)** (with regs. 31-40)

F86 Words in s. 70(1) inserted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 19(2)** (with regs. 31-40)

F87 Words in s. 70(1) repealed (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), reg. 2(2), **Sch. 2** (with regs. 31-40)

F88 S. 70(2)(3) inserted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 19(2)** (with regs. 31-40)

[[F89]71 Photographs of broadcasts

(1) The making in domestic premises for private and domestic use of a photograph of the whole or any part of an image forming part of a broadcast, or a copy of such a photograph, does not infringe any copyright in the broadcast or in any film included in it.

(2) Where a copy which would otherwise be an infringing copy is made in accordance with this section but is subsequently dealt with—

(a) it shall be treated as an infringing copy for the purposes of that dealing; and

(b) if that dealing infringes copyright, it shall be treated as an infringing copy for all subsequent purposes.

(3) In subsection (2), "dealt with" means sold or let for hire, offered or exposed for sale or hire or communicated to the public.**]**

Textual Amendments

F89 S. 71 substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 20(1)** (with regs. 31-40)

72 Free public showing or playing of broadcast [F90]. . . .

(1) The showing or playing in public of a broadcast [F91]. . . to an audience who have not paid for admission to the place where the broadcast [F91]. . . is to be seen or heard does not infringe any copyright in—

[[F92](a) the broadcast;

(b) any sound recording (except so far as it is an excepted sound recording) included in it; or

(c) any film included in it.**]**

[[F93](1A) For the purposes of this Part an "excepted sound recording" is a sound recording—

(a) whose author is not the author of the broadcast in which it is included; and

(b) which is a recording of music with or without words spoken or sung.

(1B) Where by virtue of subsection (1) the copyright in a broadcast shown or played in public is not infringed, copyright in any excepted sound recording included in it is not infringed if the playing or showing of that broadcast in public—

(a) forms part of the activities of an organisation that is not established or conducted for profit; or

(b) is necessary for the purposes of—

(i) repairing equipment for the reception of broadcasts;

(ii) demonstrating that a repair to such equipment has been carried out; or

(iii) demonstrating such equipment which is being sold or let for hire or offered or exposed for sale or hire.**]**

(2) The audience shall be treated as having paid for admission to a place—

(a) if they have paid for admission to a place of which that place forms part; or

(b) if goods or services are supplied at that place (or a place of which it forms part)—

(i) at prices which are substantially attributable to the facilities afforded for seeing or hearing the broadcast [F94]. . . , or

(ii) at prices exceeding those usually charged there and which are partly attributable to those facilities.

(3) The following shall not be regarded as having paid for admission to a place—

(a) persons admitted as residents or inmates of the place;

(b) persons admitted as members of a club or society where the payment is only for membership of the club or society and the provision of facilities for seeing or hearing broadcasts [F95]. . . is only incidental to the main purposes of the club or society.

(4) Where the making of the broadcast [F96]. . . was an infringement of the copyright in a sound recording or film, the fact that it was heard or seen in public by the reception of the broadcast [F96]. . . shall be taken into account in assessing the damages for that infringement.

Textual Amendments

F90 Words in s. 72 heading repealed (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), reg. 2(2), **Sch. 2** (with regs. 31-40)

F91 Words in S. 72(1) repealed (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), reg. 2(2), **Sch. 2** (with regs. 31-40)

F92 S. 72(1)(a)-(c) substituted (31.10.2003) for s. 72(1)(a)(b) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 21(1)(a)** (with regs. 31-40)

F93 S. 72(1A)(1B) inserted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 21(1)(b)** (with regs. 31-40)

F94 Words in S. 72(2)(b)(i) repealed (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), reg. 2(2), **Sch. 2** (with regs. 31-40)

F95 Words in S. 72(3)(b) repealed (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), reg. 2(2), **Sch. 2** (with regs. 31-40)

F96 Words in S. 72(4) repealed (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), reg. 2(2), **Sch. 2** (with regs. 31-40)

[F98 73 Reception and re-transmission of [F97 wireless broadcast by cable].

(1) This section applies where a [F99 wireless] broadcast made from a place in the United Kingdom is, b [F100 received and immediately re-transmitted by cable] .

(2) The copyright in the broadcast is not infringed—

(a) if the [F101 re-transmission by cable] is in pursuance of a relevant requirement, or

(b) if and to the extent that the broadcast is made for reception in the area in which the [F102 it is re-transmitted by cable] and forms part of a qualifying service.

(3) The copyright in any work included in the broadcast is not infringed if and to the extent that the broadcast is made for reception in the area in which the [F102 it is re-transmitted by cable]; but where the making of the broadcast was an infringement of the copyright in the work, the fact that the broadcast was re-transmitted [F103 by cable] shall be taken into account in assessing the damages for that infringement.

(4) Where—

(a) the [F104 re-transmission by cable] is in pursuance of a relevant requirement, but

(b) to any extent, the area in which the [F105 re-transmission by cable takes place] ("the cable area") falls outside the area for reception in which the broadcast is made ("the broadcast area"),

the [F106 re-transmission by cable] (to the extent that it is provided for so much of the cable area as falls outside the broadcast area) of any work included in the broadcast shall, subject to subsection (5), be treated as licensed by the owner of the copyright in the work, subject only to the payment to him by the person making the broadcast of such reasonable royalty or other payment in respect of the [F107 re-transmission by cable of the broadcast] as may be agreed or determined in default of agreement by the Copyright Tribunal.

(5) Subsection (4) does not apply if, or to the extent that, the [F108 re-transmission of the work by cable] is (apart from that subsection) licensed by the owner of the copyright in the work.

(6) In this section "qualifying service" means, subject to subsection (8), any of the following services—

(a) a regional or national Channel 3 service,

(b) Channel 4, Channel 5 and S4C,

[F109 (c) the public teletext service,

(d) S4C Digital, and]

(e) the television broadcasting services and teletext service of the British Broadcasting Corporation;

[F110 and expressions used in this subsection have the same meanings as in Part 3 of the Communications Act 2003.]

[F111 (7) In this section "relevant requirement" means a requirement imposed by a general condition (within the meaning of Chapter 1 of Part 2 of the Communications Act 2003) the setting of which is authorised under section 64 of that Act (must-carry obligations).]

(8) The Secretary of State may by order amend subsection (6) so as to add any service to, or remove any service from, the definition of "qualifying service".

(9) The Secretary of State may also by order—

(a) provide that in specified cases subsection (3) is to apply in relation to broadcasts of a specified description which are not made as mentioned in that subsection, or

(b) exclude the application of that subsection in relation to broadcasts of a specified description made as mentioned in that subsection.

(10) Where the Secretary of State exercises the power conferred by subsection (9)(b) in relation to broadcasts of any description, the order may also provide for subsection (4) to apply, subject to such modifications as may be specified in the order, in relation to broadcasts of that description.

(11) An order under this section may contain such transitional provision as appears to the Secretary of State to be appropriate.

(12) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

F112 **[** (13) In this section references to re-transmission by cable include the transmission of microwave energy between terrestrial fixed points.**]**

Textual Amendments

F97 Words in s. 73 heading substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 22(1)(a)** (with regs. 31-40)

F98 Ss. 73, 73A substituted for s. 73 (1.10.1996) by 1996 c. 55, s. 138, **Sch. 9 para. 1** (with s. 43(6)); S.I. 1996/2120, art. 4, **Sch. 1**

F99 Words in s. 73(1) inserted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 22(1)(b)** (with regs. 31-40)

F100 Words in s. 73(1) substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 22(1)(b)** (with regs. 32, 33)

F101 Words in s. 73(2)(a) substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 22(1)(c)** (with regs. 31-40)

F102 Words in s. 73(2)(b)(3) substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 22(1)(d)** (with regs. 31-40)

F103 Words in s. 73(3) substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 22(1)(e)** (with regs. 31-40)

F104 Words in s. 73(4)(a) substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 22(1)(f)(i)** (with regs. 31-40)

F105 Words in s. 73(4)(b) substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 22(1)(f)(ii)** (with regs. 31-40)

F106 Words in s. 73(4) substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 22(1)(f)(iii)** (with regs. 31-40)

F107 Words in s. 73(4) substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 22(1)(f)(iv)** (with regs. 31-40)

F108 Words in s. 73(5) substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 22(1)(g)** (with regs. 31-40)

F109 S. 73(6)(c)(d) substituted (29.12.2003) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 92(2)(a)** (with Sch. 18); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F110 Words in s. 73(6) substituted (29.12.2003) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 92(2)(b)** (with Sch. 18); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F111 S. 73(7) substituted (29.12.2003) by Communications Act 2003 (c. 21), ss. 406, 411, **Sch. 17 para. 92(3)** (with Sch. 18); S.I. 2003/3142, **art. 3**, Sch. 1 (with art. 11)

F112 S. 73(13) inserted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 22(1)(h)** (with regs. 31-40)

[F113]73A Royalty or other sum payable in pursuance of section 73(4).

(1) An application to settle the royalty or other sum payable in pursuance of subsection (4) of section 73 (reception and re-transmission of **[**[F114]wireless broadcast by cable**]**) may be made to the Copyright Tribunal by the copyright owner or the person making the broadcast.

(2) The Tribunal shall consider the matter and make such order as it may determine to be reasonable in the circumstances.

(3) Either party may subsequently apply to the Tribunal to vary the order, and the Tribunal shall consider the matter and make such order confirming or varying the original order as it may determine to be reasonable in the circumstances.

(4) An application under subsection (3) shall not, except with the special leave of the Tribunal, be made within twelve months from the date of the original order or of the order on a previous application under that subsection.

(5) An order under subsection (3) has effect from the date on which it is made or such later date as may be specified by the Tribunal.

Textual Amendments

F113 Ss. 73, 73A substituted for s. 73 (1.10.1996) by 1996 c. 55, s. 138, **Sch. 9 para. 1** (with s. 43(6)); S.I. 1996/2120, art. 4, **Sch. 1**

F114 Words in s. 73A(1) substituted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 22(2)** (with regs. 31-40)

74 Provision of sub-titled copies of broadcast [F115]. . . .

(1) A designated body may, for the purpose of providing people who are deaf or hard of hearing, or physically or mentally handicapped in other ways, with copies which are sub-titled or otherwise modified for their special needs, make copies of [F116]. . . broadcasts [F116]. . . and issue **[**[F117] or lend**]** copies to the public, without infringing any copyright in the broadcasts [F116]. . . or works included in them.

(2) A "designated body" means a body designated for the purposes of this section by order of the Secretary of State, who shall not designate a body unless he is satisfied that it is not established or conducted for profit.

(3) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) This section does not apply if, or to the extent that, there is a licensing scheme certified for the purposes of this section under section 143 providing for the grant of licences.

Textual Amendments

F115 Words in s. 74 heading repealed (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), reg. 2(2), **Sch. 2** (with regs. 31-40)

F116 Words in s. 74(1) repealed (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), reg. 2(2), **Sch. 2** (with regs. 31-40)

F117 Words in s. 74(1) inserted (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), **reg. 23(1)** (with regs. 31-40)

75 Recording for archival purposes.

(1) A recording of a broadcast [F118]. . . of a designated class, or a copy of such a recording, may be made for the purpose of being placed in an archive maintained by a designated body without thereby infringing any copyright in the broadcast [F118]. . . or in any work included in it.

(2) In subsection (1) "designated" means designated for the purposes of this section by order of the Secretary of State, who shall not designate a body unless he is satisfied that it is not established or conducted for profit.

(3) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F118 Words in s. 75(1) repealed (31.10.2003) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), reg. 2(2), **Sch. 2** (with regs. 31-40)

Adaptations

76 Adaptations.

An act which by virtue of this Chapter may be done without infringing copyright in a literary, dramatic or musical work does not, where that work is an adaptation, infringe any copyright in the work from which the adaptation was made.

Status:
Point in time view as at 01/04/2009.

Changes to legislation:
There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Chapter III.