



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART II

#### RIGHTS IN PERFORMANCES

#### [<sup>F1</sup>CHAPTER 1

#### INTRODUCTORY

#### Annotations:

#### Amendments (Textual)

- F1** Cross-headings before ss. 180, 181 omitted (1.2.2006) and ss. 180, 181 become Pt. 2 Ch. 1 by virtue of [The Performances \(Moral Rights, etc.\) Regulations 2006 \(S.I. 2006/18\)](#), [reg. 4\(1\)-\(3\)](#) (with [reg. 8](#))

#### <sup>x1</sup>**180** Rights conferred on performers and persons having recording rights.

- (1) [<sup>F2</sup>Chapter 2 of this Part (economic rights)] confers rights—
- on a performer, by requiring his consent to the exploitation of his performances (see sections 181 to 184), and
  - on a person having recording rights in relation to a performance, in relation to recordings made without his consent or that of the performer (see sections 185 to 188),

and creates offences in relation to dealing with or using illicit recordings and certain other related acts (see sections 198 and 201).

[<sup>F3</sup>(1A) Rights are also conferred on a performer by the following provisions of Chapter 3 of this Part (moral rights)—

- section 205C (right to be identified);
- section 205F (right to object to derogatory treatment of performance).]

- (2) In this Part — “performance” means —

*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Copyright, Designs and Patents Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (a) a dramatic performance (which includes dance and mime),
- (b) a musical performance,
- (c) a reading or recitation of a literary work, or
- (d) a performance of a variety act or any similar presentation,

which is, or so far as it is, a live performance given by one or more individuals; and “recording”, in relation to a performance, means a film or sound recording—

- (a) made directly from the live performance,
- (b) made from a broadcast of<sup>F4</sup> . . . the performance, or
- (c) made, directly or indirectly, from another recording of the performance.

(3) The rights conferred by this Part apply in relation to performances taking place before the commencement of this Part; but no act done before commencement, or in pursuance of arrangements made before commencement, shall be regarded as infringing those rights.

(4) The rights conferred by this Part are independent of—

- (a) any copyright in, or moral rights relating to, any work performed or any film or sound recording of, or broadcast<sup>F5</sup> . . . the performance, and
- (b) any other right or obligation arising otherwise than under this Part.

#### Annotations:

#### Editorial Information

**X1** The insertion of the new headings "Chapter 1 Introductory", "Chapter 2 Economic Rights", "Chapter 3 Moral Rights" and "Chapter 4 Qualification for Protection, Extent and Interpretation" in Pt. II on 1.2.2006 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under those new headings.

#### Amendments (Textual)

**F2** Words in s. 180(1) substituted (1.2.2006) by [The Performances \(Moral Rights, etc.\) Regulations 2006 \(S.I. 2006/18\)](#), [reg. 5\(1\)](#) (with [reg. 8](#))

**F3** S. 180(1A) inserted 1.2.2006) by [The Performances \(Moral Rights, etc.\) Regulations 2006 \(S.I. 2006/18\)](#), [reg. 5\(2\)](#) (with [reg. 8](#))

**F4** Words in s. 180(1)(4)(a) 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](#))

**F5** Words in s. 180(1)(4)(a) 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](#))

## <sup>X2</sup>181 Qualifying performances.

A performance is a qualifying performance for the purposes of the provisions of this Part relating to performers’ right if it is given by a qualifying individual (as defined in section 206) or takes place in a qualifying country (as so defined).]

#### Annotations:

#### Editorial Information

**X2** The insertion of the new headings "Chapter 1 Introductory", "Chapter 2 Economic Rights", "Chapter 3 Moral Rights" and "Chapter 4 Qualification for Protection, Extent and Interpretation" in Pt. II on

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**Changes to legislation:** *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Copyright, Designs and Patents Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

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**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 24B(2) words inserted by [2017 c. 30 s. 33\(2\)](#)
- s. 24B(2A) inserted by [2017 c. 30 s. 33\(3\)](#)
- s. 40A(1A)(aa) inserted by [2017 c. 30 s. 31\(4\)\(b\)](#)
- s. 40A(1ZA) inserted by [2017 c. 30 s. 31\(3\)](#)
- s. 107(2A)(2B) substituted for s. 107(2A) by [2017 c. 30 s. 32\(2\)](#)
- s. 198(1A)(1B) substituted for s. 198(1A) by [2017 c. 30 s. 32\(4\)](#)
- s. 249(1A) inserted by [2007 c. 15 s. 143\(3\)\(b\)](#)