



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART II

RIGHTS IN PERFORMANCES

Introductory

180 Rights conferred on performers and persons having recording rights

(1) This Part confers rights—

- (a) on a performer, by requiring his consent to the exploitation of his performances (see section 181 to 184), and
- (b) 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).

(2) In this part—

“performance” means—

- (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, or cable programme including, 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 or cable programme including, the performance, and
 - (b) any other right or obligation arising otherwise than under this Part.

Performers' rights

181 Qualifying performances

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

182 Consent required for recording or live transmission of performance

- (1) A performer's rights are infringed by a person who, without his consent—
- (a) makes, otherwise than for his private and domestic use, a recording of the whole or any substantial part of a qualifying performance, or
 - (b) broadcast live, or includes live in a cable programme service, the whole or any substantial part of a qualifying performance.
- (2) In an action for infringement of a performer's rights brought by virtue of this section damages shall not be awarded against a defendant who shows that at the time of the infringement he believed on reasonable grounds that consent had been given.

183 Infringement of performer's rights by use of recording made without consent

A performer's rights are infringed by a person who, without his consent—

- (a) shows or plays in public the whole or any substantial part of a qualifying performance, or
- (b) broadcasts or includes in a cable programme service the whole or any substantial part of a qualifying performance,

by means of a recording which was, and which that person knows or has reason to believe was, made without the performer's consent.

184 Infringement of performer's rights by importing, possessing or dealing with illicit recording

- (1) A performer's rights are infringed by a person who, without his consent—
- (a) imports into the United Kingdom otherwise than for his private and domestic use, or
 - (b) in the course of a business possesses, sells or lets for hire, offers or exposes for sale or hire, or distributes,

a recording of a qualifying performance which is, and which that person knows or has reason to believe is, an illicit recording.

- (2) Where in an action for infringement of a performer's rights brought by virtue of this section a defendant shows that the illicit recording was innocently acquired by him or a predecessor in title of his, the only remedy available against him in respect of the infringement is damages not exceeding a reasonable payment in respect of the act complained of.
- (3) In subsection (2) "innocently acquired" means that the person acquiring the recording did not know and had no reason to believe that it was an illicit recording.

Rights of person having recording rights

185 Exclusive recording contracts and persons having recording rights

- (1) In this Part an "exclusive recording contract" means a contract between a performer and another person under which that person is entitled to the exclusion of all other persons (including the performer) to make recordings of one or more of his performances with a view to their commercial exploitation.
- (2) References in this Part to a "person having recording rights", in relation to a performance, are (subject to subsection (3)) to a person—
 - (a) who is party to and has the benefit of an exclusive recording contract to which the performance is subject, or
 - (b) to whom the benefit of such a contract has been assigned,and who is a qualifying person.
- (3) If a performance is subject to an exclusive recording contract but the person mentioned in subsection (2) is not a qualifying person, references in this Part to a "person having recording rights" in relation to the performance are to any person—
 - (a) who is licensed by such a person to make recordings of the performance with a view to their commercial exploitation, or
 - (b) to whom the benefit of such a licence has been assigned,and who is a qualifying person.
- (4) In this section "with a view to commercial exploitation" means with a view to the recordings being sold or let for hire, or shown or played in public.

186 Consent required for recording of performance subject to exclusive contract

- (1) A person infringes the rights of a person having recording rights in relation to a performance who, without his consent or that of the performer, makes a recording of the whole or any substantial part of the performance, otherwise than for his private and domestic use.
- (2) In an action for infringement of those rights brought by virtue of this section damages shall not be awarded against a defendant who shows that at the time of the infringement he believed on reasonable grounds that consent had been given.

187 Infringement of recording rights by use of recording made without consent

- (1) A person infringes the rights of a person having recording rights in relation to a performance who, without his consent or, in the case of a qualifying performance, that of the performer—
- (a) shows or plays in public the whole or any substantial part of the performance, or
 - (b) broadcasts or includes in a cable programme service the whole or any substantial part of the performance,
- by means of a recording which was, and which that person knows or has reason to believe was, made without the appropriate consent.
- (2) The reference in subsection (1) to “the appropriate consent” is to the consent of—
- (a) the performer, or
 - (b) the person who at the time the consent was given had recording rights in relation to the performance (or, if there was more than one such person, of all of them).

188 Infringement of recording rights by importing, possessing or dealing with illicit recording

- (1) A person infringes the rights of a person having recording rights in relation to a performance who, without his consent or, in the case of a qualifying performance, that of the performer—
- (a) imports into the United Kingdom otherwise than for his private and domestic use, or
 - (b) in the course of a business possesses, sells or lets for hire, offers or exposes for sale or hire, or distributes,
- a recording of the performance which is, and which that person knows or has reason to believe is, an illicit recording.
- (2) Where in an action for infringement of those rights brought by virtue of this section a defendant shows that the illicit recording was innocently acquired by him or a predecessor in title of his, the only remedy available against him in respect of the infringement is damages not exceeding a reasonable payment in respect of the act complained of.
- (3) In subsection (2) “innocently acquired” means that the person acquiring the recording did not know and had no reason to believe that it was an illicit recording.

*Exceptions to rights conferred***189 Acts permitted notwithstanding rights conferred by this Part**

The provisions of Schedule 2 specify acts which may be done notwithstanding the rights conferred by this Part, being acts which correspond broadly to certain of those specified in Chapter III of Part I (acts permitted notwithstanding copyright).

190 Power of tribunal to give consent on behalf of performer in certain cases

- (1) The Copyright Tribunal may, on the application of a person wishing to make a recording from a previous recording of a performance, give consent in a case where—

- (a) the identity or whereabouts of a performer cannot be ascertained by reasonable inquiry, or
 - (b) a performer unreasonably withholds his consent.
- (2) Consent given by the Tribunal has effect as consent of the performer for the purposes of—
 - (a) the provisions of this Part relating to performers' rights, and
 - (b) section 198(3)(a) (criminal liability: sufficient consent in relation to qualifying performances),
 and may be given subject to any conditions specified in the Tribunal's order.
- (3) The Tribunal shall not give consent under subsection (1)(a) except after the service or publication of such notices as may be required by rules made under section 150 (general procedural rules) or as the Tribunal may in any particular case direct.
- (4) The Tribunal shall not give consent under subsection (1)(b) unless satisfied that the performer's reasons for withholding consent do not include the protection of any legitimate interest of his; but it shall be for the performer to show what his reasons are for withholding consent, and in default of evidence as to his reasons the Tribunal may draw such inferences as it thinks fit.
- (5) In any case the Tribunal shall take into account the following factors—
 - (a) whether the original recording was made with the performer's consent and is lawfully in the possession or control of the person proposing to make the further recording;
 - (b) whether the making of the further recording is consistent with the obligations of the parties to the arrangements under which, or is otherwise consistent with the purposes for which, the original recording was made.
- (6) Where the Tribunal gives consent under this section it shall, in default of agreement between the applicant and the performer, make such order as it thinks fit as to the payment to be made to the performer in consideration of consent being given.

Duration and transmission of rights; consent

191 Duration of rights

The rights conferred by this Part continue to subsist in relation to a performance until the end of the period of 50 years from the end of the calendar year in which the performance takes place.

192 Transmission of rights

- (1) The rights conferred by this Part are not assignable or transmissible, except to the extent that performers' rights are transmissible in accordance with the following provisions.
- (2) On the death of a person entitled to performer's rights—
 - (a) the rights pass to such person as he may by testamentary disposition specifically direct, and
 - (b) if or to the extent that there is no such direction, the rights are exercisable by his personal representatives;

and references in this Part to the performer, in the context of the person having performers' rights, shall be construed as references to the person for the time being entitled to exercise those rights.

- (3) Where by virtue of subsection (2)(a) a right becomes exercisable by more than one person, it is exercisable by each of them independently of the other or others.
- (4) The above provisions do not affect section 185(2)(b) or (3)(b), so far as those provisions confer rights under this Part on a person to whom the benefit of a contract or licence is assigned.
- (5) Any damages recovered by personal representatives by virtue of this section in respect of an infringement after a person's death shall devolve as part of his estate as if the right of action had subsisted and been vested in him immediately before his death.

193 Consent

- (1) Consent for the purposes of this Part may be given in relation to a specific performance, a specified description of performances or performances generally, and may relate to past or future performances.
- (2) A person having recording rights in a performance is bound by any consent given by a person through whom he derives his rights under the exclusive recording contract or licence in question, in the same way as if the consent had been given by him.
- (3) Where a right conferred by this Part passes to another person, any consent binding on the person previously entitled binds the person to whom the right passes in the same way as if the consent had been given by him.

Remedies for infringement

194 Infringement actionable as breach of statutory duty

An infringement of any of the rights conferred by this Part is actionable by the person entitled to the right as a breach of statutory duty.

195 Order for delivery up

- (1) Where a person has in his possession, custody or control in the course of a business an illicit recording of a performance, a person having performer's rights or recording rights in relation to the performance under this Part may apply to the court for an order that the recording be delivered up to him or to such other person as the court may direct.
- (2) An application shall not be made after the end of the period specified in section 203; and no order shall be made unless the court also makes, or it appears to the court that there are grounds for making, an order under section 204 (order as to disposal of illicit recording).
- (3) A person to whom a recording is delivered up in pursuance of an order under this section shall, if an order under section 204 is not made, retain it pending the making of an order, or the decision not to make an order, under that section.
- (4) Nothing in this section affects any other power of the court.

196 Right to seize illicit recordings

- (1) An illicit recording of a performance which is found exposed or otherwise immediately available for sale or hire, and in respect of which a person would be entitled to apply for an order under section 195, may be seized and detained by him or a person authorised by him.

The right to seize and detain is exercisable subject to the following conditions and is subject to any decision of the court under section 204 (order as to disposal of illicit recording).

- (2) Before anything is seized under this section notice of the time and place of the proposed seizure must be given to a local police station.
- (3) A person may for the purpose of exercising the right conferred by this section enter premises to which the public have access but may not seize anything in the possession, custody or control of a person at a permanent or regular place of business of his and may not use any force.
- (4) At the time when anything is seized under this section there shall be left at the place where it was seized a notice in the prescribed form containing the prescribed particulars as to the person by whom or on whose authority the seizure is made and the grounds on which it is made.
- (5) In this section—
“premises” includes land, buildings, fixed or moveable structures, vehicles, vessels, aircraft and hovercraft; and
“prescribed” means prescribed by order of the Secretary of State.
- (6) An order of the Secretary of State 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.

197 Meaning of “illicit recording”

- (1) In this Part “illicit recording”, in relation to a performance, shall be construed in accordance with this section.
- (2) For the purposes of a performer’s rights, a recording of the whole or any substantial part of a performance of his is an illicit recording if it is made, otherwise than for private purposes, without his consent.
- (3) For the purposes of the rights of a person having recording rights, a recording of the whole or any substantial part of a performance subject to the exclusive recording contract is an illicit recording if it is made, otherwise than for private purposes, without his consent or that of the performer.
- (4) For the purposes of sections 198 and 199 (offences and orders for delivery up in criminal proceedings), a recording is an illicit recording if it is an illicit recording for the purposes mentioned in subsection (2) or subsection (3).
- (5) In this Part “illicit recording” includes a recording falling to be treated as an illicit recording by virtue of any of the following provisions of Schedule 2—
paragraph 4(3) (recordings made for purposes of instruction or examination),
paragraph 6(2) (recordings made by educational establishments for educational purposes),

paragraph 12(2) (recordings of performance in electronic form retained on transfer of principal recording), or

paragraph 16(3) (recordings made for purposes of broadcast or cable programme),

but otherwise does not include a recording made in accordance with any of the provisions of that Schedule.

- (6) It is immaterial for the purposes of this section where the recording was made.

Offences

198 Criminal liability for making, dealing with or using illicit recordings

- (1) A person commits an offence who without sufficient consent—
 - (a) makes for sale or hire, or
 - (b) imports into the United Kingdom otherwise than for his private and domestic use, or
 - (c) possesses in the course of a business with a view to committing any act infringing the rights conferred by this Part, or
 - (d) in the course of a business—
 - (i) sells or lets for hire, or
 - (ii) offers or exposes for sale or hire, or
 - (iii) distributes,
 a recording which is, and which he knows or has reason to believe is, an illicit recording.
- (2) A person commits an offence who causes a recording of a performance made without sufficient consent to be—
 - (a) shown or played in public, or
 - (b) broadcast or included in a cable programme service,
 thereby infringing any of the rights conferred by this Part, if he knows or has reason to believe that those rights are thereby infringed.
- (3) In subsections (1) and (2) “sufficient consent” means—
 - (a) in the case of a qualifying performance, the consent of the performer, and
 - (b) in the case of a non-qualifying performance subject to an exclusive recording contract—
 - (i) for the purposes of subsection (1)(a) (making of recording), the consent of the performer or the person having recording rights, and
 - (ii) for the purposes of subsection (1)(b), (c) and (d) and subsection (2) (dealing with or using recording), the consent of the person having recording rights.

The references in this subsection to the person having recording rights are to the person having those rights at the time the consent is given or, if there is more than one such person, to all of them.
- (4) No offence is committed under subsection (1) or (2) by the commission of an act which by virtue of any provision of Schedule 2 may be done without infringing the rights conferred by this Part.

- (5) A person guilty of an offence under subsection (1)(a), (b) or (d)(iii) is liable—
 - (a) on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum, or both;
 - (b) on conviction on indictment to a fine or imprisonment for a term not exceeding two years, or both.
- (6) A person guilty of any other offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale or imprisonment for a term not exceeding six months, or both.

199 Order for delivery up in criminal proceedings

- (1) The court before which proceedings are brought against a person for an offence under section 198 may, if satisfied that at the time of his arrest or charge he had in his possession, custody or control in the course of a business an illicit recording of a performance, order that it be delivered up to a person having performers' rights or recording rights in relation to the performance or to such other person as the court may direct.
- (2) For this purpose a person shall be treated as charged with an offence—
 - (a) in England, Wales and Northern Ireland, when he is orally charged or is served with a summons or indictment;
 - (b) in Scotland, when he is cautioned, charged or served with a complaint or indictment.
- (3) An order may be made by the court of its own motion or on the application of the prosecutor (or, in Scotland, the Lord Advocate or procurator-fiscal), and may be made whether or not the person is convicted of the offence, but shall not be made—
 - (a) after the end of the period specified in section 203 (period after which remedy of delivery up not available), or
 - (b) if it appears to the court unlikely that any order will be made under section 204 (order as to disposal of illicit recording).
- (4) An appeal lies from an order made under this section by a magistrates' court—
 - (a) in England and Wales, to the Crown Court, and
 - (b) in Northern Ireland, to the county court;and in Scotland, where an order has been made under this section, the person from whose possession, custody or control the illicit recording has been removed may, without prejudice to any other form of appeal under any rule of law, appeal against that order in the same manner as against sentence.
- (5) A person to whom an illicit recording is delivered up in pursuance of an order under this section shall retain it pending the making of an order, or the decision not to make an order, under section 204.
- (6) Nothing in this section affects the powers of the court under section 43 of the Powers of Criminal Courts Act 1973, section 223 or 436 of the Criminal Procedure (Scotland) Act 1975 or Article 7 of the Criminal Justice (Northern Ireland) Order 1980 (general provisions as to forfeiture in criminal proceedings).

200 Search warrants

- (1) Where a justice of the peace (in Scotland, a sheriff or justice of the peace) is satisfied by information on oath given by a constable (in Scotland, by evidence on oath) that there are reasonable grounds for believing—
 - (a) that an offence under section 198(1)(a), (b) or (d)(iii) (offences of making, importing or distributing illicit recordings) has been or is about to be committed in any premises, and
 - (b) that evidence that such an offence has been or is about to be committed is in those premises,
 he may issue a warrant authorising a constable to enter and search the premises, using such reasonable force as is necessary.
- (2) The power conferred by subsection (1) does not, in England and Wales, extend to authorising a search for material of the kinds mentioned in section 9(2) of the Police and Criminal Evidence Act 1984 (certain classes of personal or confidential material).
- (3) A warrant under subsection (1)—
 - (a) may authorise persons to accompany any constable executing the warrant, and
 - (b) remains in force for 28 days from the date of its issue.
- (4) In this section “premises” includes land, buildings, fixed or moveable structures, vehicles, vessels, aircraft and hovercraft.

201 False representation of authority to give consent

- (1) It is an offence for a person to represent falsely that he is authorised by any person to give consent for the purposes of this Part in relation to a performance, unless he believes on reasonable grounds that he is so authorised.
- (2) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both.

202 Offence by body corporate: liability of officers

- (1) Where an offence under this Part committed by a body corporate is proved to have been committed with the consent or connivance of a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity, he as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.
- (2) In relation to a body corporate whose affairs are managed by its members “director” means a member of the body corporate.

Supplementary provisions with respect to delivery up and seizure

203 Period after which remedy of delivery up not available

- (1) An application for an order under section 195 (order for delivery up in civil proceedings) may not be made after the end of the period of six years from the date on which the illicit recording in question was made, subject to the following provisions.

- (2) If during the whole or any part of that period a person entitled to apply for an order—
- (a) is under a disability, or
 - (b) is prevented by fraud or concealment from discovering the facts entitling him to apply,
- an application may be made by him at any time before the end of the period of six years from the date on which he ceased to be under a disability or, as the case may be, could with reasonable diligence have discovered those facts.
- (3) In subsection (2) “disability”—
- (a) in England and Wales, has the same meaning as in the Limitation Act 1980;
 - (b) in Scotland, means legal disability within the meaning of the Prescription and Limitations (Scotland) Act 1973;
 - (c) in Northern Ireland, has the same meaning as in the Statute of Limitation (Northern Ireland) 1958.
- (4) An order under section 199 (order for delivery up in criminal proceedings) shall not, in any case, be made after the end of the period of six years from the date on which the illicit recording in question was made.

204 Order as to disposal of illicit recording

- (1) An application may be made to the court for an order that an illicit recording of a performance delivered up in pursuance of an order under section 195 or 199, or seized and detained in pursuance of the right conferred by section 196, shall be—
- (a) forfeited to such person having performer’s rights or recording rights in relation to the performance as the court may direct, or
 - (b) destroyed or otherwise dealt with as the court may think fit,
- or for a decision that no such order should be made.
- (2) In considering what order (if any) should be made, the court shall consider whether other remedies available in an action for infringement of the rights conferred by this Part would be adequate to compensate the person or persons entitled to the rights and to protect their interests.
- (3) Provision shall be made by rules of court as to the service of notice on persons having an interest in the recording, and any such person is entitled—
- (a) to appear in proceedings for an order under this section, whether or not he was served with notice, and
 - (b) to appeal against any order made, whether or not he appeared;
- and an order shall not take effect until the end of the period within which notice of an appeal may be given or, if before the end of that period notice of appeal is duly given, until the final determination or abandonment of the proceedings on the appeal.
- (4) Where there is more than one person interested in a recording, the court shall make such order as it thinks just and may (in particular) direct that the recording be sold, or otherwise dealt with, and the proceeds divided.
- (5) If the court decides that no order should be made under this section, the person in whose possession, custody or control the recording was before being delivered up or seized is entitled to its return.

- (6) References in this section to a person having an interest in a recording include any person in whose favour an order could be made in respect of the recording under this section or under section 114 or 231 of this Act or section 58C of the Trade Marks Act 1938 (which make similar provision in relation to infringement of copyright, design right and trade marks).

205 Jurisdiction of county court and sheriff court

- (1) In England, Wales and Northern Ireland a county court may entertain proceedings under—
 section 195 (order for delivery up of illicit recording), or
 section 204 (order as to disposal of illicit recording),
 where the value of the illicit recordings in question does not exceed the county court limit for actions in tort.
- (2) In Scotland proceedings for an order under either of those provisions may be brought in the sheriff court.
- (3) Nothing in this section shall be construed as affecting the jurisdiction of the High Court or, in Scotland, the Court of Session.

Qualification for protection and extent

206 Qualifying countries, individuals and persons

- (1) In this Part—
 “qualifying country” means—
 (a) the United Kingdom,
 (b) another member State of the European Economic Community, or
 (c) to the extent that an Order under section 208 so provides, a country designated under that section as enjoying reciprocal protection;
 “qualifying individual” means a citizen or subject of, or an individual resident in, a qualifying country; and
 “qualifying person” means a qualifying individual or a body corporate or other body having legal personality which—
 (a) is formed under the law of a part of the United Kingdom or another qualifying country, and
 (b) has in any qualifying country a place of business at which substantial business activity is carried on.
- (2) The reference in the definition of “qualifying individual” to a person’s being a citizen or subject of a qualifying country shall be construed—
 (a) in relation to the United Kingdom, as a reference to his being a British citizen, and
 (b) in relation to a colony of the United Kingdom, as a reference to his being a British Dependent Territories’ citizen by connection with that colony.
- (3) In determining for the purpose of the definition of “qualifying person” whether substantial business activity is carried on at a place of business in any country, no

account shall be taken of dealings in goods which are at all material times outside that country.

207 Countries to which this Part extends

This Part extends to England and Wales, Scotland and Northern Ireland.

208 Countries enjoying reciprocal protection

- (1) Her Majesty may by Order in Council designate as enjoying reciprocal protection under this Part—
 - (a) a Convention country, or
 - (b) a country as to which Her Majesty is satisfied that provision has been or will be made under its law giving adequate protection for British performances.
- (2) A “Convention country” means a country which is a party to a Convention relating to performers' rights to which the United Kingdom is also a party.
- (3) A “British performance” means a performance—
 - (a) given by an individual who is a British citizen or resident in the United Kingdom, or
 - (b) taking place in the United Kingdom.
- (4) If the law of that country provides adequate protection only for certain descriptions of performance, an Order under subsection (1)(b) designating that country shall contain provision limiting to a corresponding extent the protection afforded by this Part in relation to performances connected with that country.
- (5) The power conferred by subsection (1)(b) is exercisable in relation to any of the Channel Islands, the Isle of Man or any colony of the United Kingdom, as in relation to a foreign country.
- (6) A statutory instrument containing an Order in Council under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

209 Territorial waters and the continental shelf

- (1) For the purposes of this Part the territorial waters of the United Kingdom shall be treated as part of the United Kingdom.
- (2) This Part applies to things done in the United Kingdom sector of the continental shelf on a structure or vessel which is present there for purposes directly connected with the exploration of the sea bed or subsoil or the exploitation of their natural resources as it applies to things done in the United Kingdom.
- (3) The United Kingdom sector of the continental shelf means the areas designated by order under section 1(7) of the Continental Shelf Act 1964.

210 British ships, aircraft and hovercraft

- (1) This Part applies to things done on a British ship, aircraft or hovercraft as it applies to things done in the United Kingdom.
- (2) In this section—

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

“British ship” means a ship which is a British ship for the purposes of the Merchant Shipping Acts (see section 2 of the Merchant Shipping Act 1988) otherwise than by virtue of registration in a country outside the United Kingdom; and
“British aircraft” and “British hovercraft” mean an aircraft or hovercraft registered in the United Kingdom.

Interpretation

211 Expressions having same meaning as in copyright provisions

(1) The following expressions have the same meaning in this Part as in Part I (copyright)

- broadcast,
- business,
- cable programme,
- cable programme service,
- country,
- defendant (in Scotland),
- delivery up (in Scotland),
- film,
- literary work,
- published, and
- sound recording.

(2) The provisions of section 6(3) to (5), section 7(5) and 19(4) (supplementary provisions relating to broadcasting and cable programme services) apply for the purposes of this Part, and in relation to an infringement of the rights conferred by this Part, as they apply for the purposes of Part I and in relation to an infringement of copyright.

212 Index of defined expressions

The following Table shows provisions defining or otherwise explaining expressions used in this Part (other than provisions defining or explaining an expression used only in the same section)—

broadcast (and related expressions)	section 211 (and section 6)
business	section 211(1) (and section 178)
cable programme, cable programme service (and related expressions)	section 211 (and section 7)
country	section 211(1) (and section 178)
defendant (in Scotland)	section 211(1) (and section 177)
delivery up (in Scotland)	section 211(1) (and section 177)
exclusive recording contract	section 185(1)
film	section 211(1) (and section 5)
illicit recording	section 197

literary work	section 211(1) (and section 3(1))
performance	section 180(2)
published	section 211(1) (and section 175)
qualifying country	section 206(1)
qualifying individual	section 206(1) and (2)
qualifying performance	section 181
qualifying person	section 206(1) and (3)
recording (of a performance)	section 180(2)
recording rights (person having)	section 185(2) and (3)
sound recording	section 211(1) (and section 5).
