

Changes to legislation: There are currently no known outstanding effects for the
Copyright, Designs and Patents Act 1988, Paragraph 17. (See end of Document for details)

SCHEDULES

SCHEDULE 2

RIGHTS IN PERFORMANCES: PERMITTED ACTS

Modifications etc. (not altering text)

- C1** Sch. 2 continued (31.10.2003) by virtue of [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 33](#) (with [regs. 31-40](#))

Recordings for purposes of supervision and control of broadcasts and ^{F1}other services

Textual Amendments

- F1** Words in heading preceding Sch. 2 para. 17 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](#))

- 17 (1) The rights conferred by ^{F1}this Chapter] are 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 ^{F2}or included in any on-demand programme service provided by them], of recordings of those programmes.
- ^{F3}(2) The rights conferred by ^{F1}this Chapter] are not infringed by anything done in pursuance of—
- ^{F4}(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, ^{F5}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; ^{F6} . . .
- (c) a direction given under section 109(2) of the Broadcasting Act 1990 (power of ^{F7}OFCOM] to require production of recordings etc).
- ^{F8}(d) [section 334(3) ^{F9}, 368O(1) or (3)] of the Communications Act 2003.]
- ^{F10}(3) The rights conferred by ^{F1} this Chapter] are 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—

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- (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.

[^{F11}(5) Copyright is not infringed by the use by an appropriate regulatory authority designated under section 368B of the Communications Act 2003, in connection with the performance of any of their functions under that Act, of any recording, script or transcript which is provided to them under or by virtue of any provision of that Act.

- (6) In this section “ on-demand programme service ” has the same meaning as in the Communications Act 2003 (see section 368A of that Act).]

Textual Amendments

- F1** Words in Sch. 2 para. 17(1)(2)(3) substituted (1.2.2006) by [The Performances \(Moral Rights, etc.\) Regulations 2006 \(S.I. 2006/18\)](#) , [reg. 2](#) , [Sch. para. 9](#) (with [reg. 8](#))
- F2** Words in Sch. 2 para. 17(1) inserted (19.12.2009) by [The Audiovisual Media Services Regulations 2009 \(S.I. 2009/2979\)](#) , [reg. 12\(3\)\(a\)](#)
- F3** Sch. 2 para. 17(2)(3) substituted (1.10.1996 for certain purposes and 1.4.1997 otherwise) by [1996 c. 55](#) , [s. 148\(1\)](#) , [Sch. 10 Pt. III para. 32](#) (with [s. 43\(6\)](#)) ; [S.I. 1996/2120](#) , [art. 4\(1\)](#) , [Sch. 1](#) ; [S.I. 1997/1005](#) , [art. 4](#)
- F4** Sch. 2 para. 17(2)(a) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#) , [ss. 406](#) , [411](#) , [Sch. 17 para. 93\(2\)\(a\)](#) (with [Sch. 18](#)) ; [S.I. 2003/3142](#) , [art. 3](#) , [Sch. 1](#) (with [art. 11](#))
- F5** Words in Sch. 2 para. 17(2)(b) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#) , [ss. 406](#) , [411](#) , [Sch. 17 para. 93\(2\)\(b\)](#) (with [Sch. 18](#)) ; [S.I. 2003/3142](#) , [art. 3](#) , [Sch. 1](#) (with [art. 11](#))
- F6** Word in Sch. 2 para. 17(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](#))
- F7** Word in Sch. 2 para. 17(2)(c) substituted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#) , [ss. 406](#) , [411](#) , [Sch. 17 para. 93\(2\)\(c\)](#) (with [Sch. 18](#)) ; [S.I. 2003/3142](#) , [art. 3](#) , [Sch. 1](#) (with [art. 11](#))
- F8** Sch. 2 para. 17(2)(d) inserted (29.12.2003) by [Communications Act 2003 \(c. 21\)](#) , [ss. 406](#) , [411](#) , [Sch. 17 para. 93\(2\)\(d\)](#) (with [Sch. 18](#)) ; [S.I. 2003/3142](#) , [art. 3](#) , [Sch. 1](#) (with [art. 11](#))
- F9** Words in Sch. 2 para. 17(2)(d) inserted (19.12.2009) by [The Audiovisual Media Services Regulations 2009 \(S.I. 2009/2979\)](#) , [reg. 12\(3\)\(b\)](#)
- F10** Sch. 2 para. 17(3)(4) substituted (29.12.2003) for Sch. 2 para. 17(3) by [Communications Act 2003 \(c. 21\)](#) , [ss. 406](#) , [411](#) , [Sch. 17 para. 93\(3\)](#) (with [Sch. 18](#)) ; [S.I. 2003/3142](#) , [art. 3](#) , [Sch. 1](#) (with [art. 11](#))
- F11** Sch. 2 para. 17(5)(6) inserted (19.12.2009) by [The Audiovisual Media Services Regulations 2009 \(S.I. 2009/2979\)](#) , [reg. 121\(3\)\(c\)](#)

Modifications etc. (not altering text)

- C1** Sch. 2 para. 17 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\(1\)\(3\)](#) (with [reg. 5](#))

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