



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART I

#### COPYRIGHT

#### CHAPTER VII

#### COPYRIGHT LICENSING

*[<sup>F1</sup> Use as of right of sound recordings in broadcasts <sup>F1</sup> . . .*

**[<sup>F1</sup>135A Circumstances in which right available.**

- (1) Section 135C applies to the inclusion in a broadcast <sup>F2</sup> . . . of any sound recordings if—
  - (a) a licence to include those recordings in the broadcast <sup>F2</sup> . . . could be granted by a licensing body or such a body could procure the grant of a licence to do so,
  - (b) the condition in subsection (2) or (3) applies, and
  - (c) the person including those recordings in the broadcast <sup>F2</sup> . . . has complied with section 135B.
- (2) Where the person including the recordings in the broadcast <sup>F2</sup> . . . does not hold a licence to do so, the condition is that the licensing body refuses to grant, or procure the grant of, such a licence, being a licence—
  - (a) whose terms as to payment for including the recordings in the broadcast <sup>F2</sup> . . . would be acceptable to him or comply with an order of the Copyright Tribunal under section 135D relating to such a licence or any scheme under which it would be granted, and
  - (b) allowing unlimited needletime or such needletime as he has demanded.
- (3) Where he holds a licence to include the recordings in the broadcast <sup>F2</sup> . . . , the condition is that the terms of the licence limit needletime and the licensing body refuses to substitute or procure the substitution of terms allowing unlimited needletime

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*Status: Point in time view as at 31/10/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 135A. (See end of Document for details)*

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or such needletime as he has demanded, or refuses to do so on terms that fall within subsection (2)(a).

- (4) The references in subsection (2) to refusing to grant, or procure the grant of, a licence, and in subsection (3) to refusing to substitute or procure the substitution of terms, include failing to do so within a reasonable time of being asked.
- (5) In the group of sections from this section to section 135G—
- [<sup>F3</sup>“broadcast” does not include any broadcast which is a transmission of the kind specified in section 6(1A)(b) or (c);]
- “needletime” means the time in any period (whether determined as a number of hours in the period or a proportion of the period, or otherwise) in which any recordings may be included in a broadcast <sup>F2</sup>. . . ;
- “sound recording” does not include a film sound track when accompanying a film.
- (6) In sections 135B to 135G, “terms of payment” means terms as to payment for including sound recordings in a broadcast <sup>F2</sup>. . . .]

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#### Textual Amendments

- F1** Ss. 135A–135G inserted by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), **s. 175(1)**
- F2** Words in s. 135A 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)
- F3** S. 135A(5): definition of "broadcast" inserted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), **reg. 2(1)**, **Sch. 1 para. 15(1)** (with regs. 31-40)

**Status:**

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