



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART II

RIGHTS IN PERFORMANCES

[^{F1}CHAPTER 2

ECONOMIC RIGHTS]

^{x1}[^{F1}Performers' property rights]

[^{F1}191HB] Payment in consideration of assignment

- (1) A performer who, under an agreement relating to the assignment of rights referred to in section 191HA(1) (an “assignment agreement”), is entitled to a non-recurring payment in consideration of the assignment, is entitled to an annual payment for each relevant period from—
 - (a) the producer, or
 - (b) where the producer has granted an exclusive licence of the copyright in the sound recording, the licensee under the exclusive licence (the “exclusive licensee”).
- (2) In this section, “relevant period” means—
 - (a) the period of 12 months beginning at the end of the 50-year period, and
 - (b) each subsequent period of 12 months beginning with the end of the previous period, until the date on which copyright in the sound recording expires.
- (3) The producer or, where relevant, the exclusive licensee gives effect to the entitlement under subsection (1) by remitting to a collecting society for distribution to the performer in accordance with its rules an amount for each relevant period equal to 20% of the gross revenue received during that period in respect of—
 - (a) the reproduction and issue to the public of copies of the sound recording, and

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- (b) the making available to the public of the sound recording by electronic transmission in such a way that members of the public may access it from a place and at a time individually chosen by them.
- (4) The amount required to be remitted under subsection (3) is payable within 6 months of the end of each relevant period and is recoverable by the collecting society as a debt.
- (5) Subsection (6) applies where—
 - (a) the performer makes a written request to the producer or, where relevant, the exclusive licensee for information in that person’s possession or under that person’s control to enable the performer—
 - (i) to ascertain the amount of the annual payment to which the performer is entitled under subsection (1), or
 - (ii) to secure its distribution by the collecting society, and
 - (b) the producer or, where relevant, the exclusive licensee does not supply the information within the period of 90 days beginning with the date of the request.
- (6) The performer may apply to the county court, or in Scotland to the sheriff, for an order requiring the producer or, where relevant, the exclusive licensee to supply the information.
- (7) An agreement is of no effect in so far as it purports to exclude or restrict the entitlement under subsection (1).
- (8) In the event of any dispute as to the amount required to be remitted under subsection (3), the performer may apply to the Copyright Tribunal to determine the amount payable.
- (9) Where a performer is entitled under an assignment agreement to recurring payments in consideration of the assignment, the payments must, from the end of the 50-year period, be made in full, regardless of any provision in the agreement which entitles the producer to withhold or deduct sums from the amounts payable.
- (10) In this section—
 - “producer” and “50-year period” each has the same meaning as in section 191HA,
 - “exclusive licence” has the same meaning as in section 92, and
 - “collecting society” has the same meaning as in section 191G.]

Textual Amendments

F1 Ss. 191HA-191HB inserted (1.11.2013) by [The Copyright and Duration of Rights in Performances Regulations 2013 \(S.I. 2013/1782\)](#), regs. 1, 9 (with regs. 11-27)

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