



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART II

RIGHTS IN PERFORMANCES

[^{F1}CHAPTER 2

ECONOMIC RIGHTS]

^{x1}[^{F1}Delivery up or seizure of illicit recordings]

[^{F1}197A Presumptions relevant to recordings of performances

- (1) In proceedings brought by virtue of this Part with respect to the rights in a performance, where copies of a recording of the performance as issued to the public bear a statement that a named person was the performer, the statement shall be admissible as evidence of the fact stated and shall be presumed to be correct until the contrary is proved.
- (2) Subsection (1) does not apply to proceedings for an offence under section 198 (criminal liability for making etc. illicit recordings); but without prejudice to its application in proceedings for an order under section 199 (order for delivery up in criminal proceedings).]

Annotations:

Amendments (Textual)

- F1** S. 197A inserted (29.4.2006) by
[The Intellectual Property \(Enforcement, etc.\) Regulations 2006 \(S.I. 2006/1028\)](#)
,
[reg. 2\(2\)](#)
,
[Sch. 2 para. 10](#)

Changes to legislation:

Copyright, Designs and Patents Act 1988, Section 197A is up to date with all changes known to be in force on or before 10 October 2018. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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. 31B(1)(1A) substituted for s. 31B(1) by
[S.I. 2018/995](#)
[reg. 5\(3\)](#)
- s. 31BA heading words substituted by
[S.I. 2018/995](#)
[reg. 6\(2\)](#)
- s. 31BB(1)-(4) substituted for s. 31BB(1)-(3) by
[S.I. 2018/995](#)
[reg. 7](#)
- s. 249(1A) inserted by
[2007 c. 15](#)
[s. 143\(3\)\(b\)](#)
- s. 296ZE(9A) inserted by
[S.I. 2018/995](#)
[reg. 10\(4\)](#)
- Sch. 2 para. 3B(11) inserted by
[S.I. 2018/995](#)
[reg. 13\(9\)](#)
- Sch. 2 para. 3B(1)(1A) substituted for Sch. 2 para. 3B(1) by
[S.I. 2018/995](#)
[reg. 13\(3\)](#)
- Sch. 2 para. 3D(1)-(4) substituted for Sch. 2 para. 3D(1)(2) by
[S.I. 2018/995](#)
[reg. 15](#)