



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART I

#### COPYRIGHT

#### CHAPTER III

##### ACTS PERMITTED IN RELATION TO COPYRIGHT WORKS

##### *Education*

### 35 Recording by educational establishments of broadcasts<sup>F1</sup> . . . .

- (1) A recording of a broadcast<sup>F2</sup> . . . , or a copy of such a recording, may be made by or on behalf of an educational establishment for the educational purposes of that establishment without thereby infringing the copyright in the broadcast<sup>F2</sup> . . . , or in any work included in it [<sup>F3</sup>, provided that it is accompanied by a sufficient acknowledgement of the broadcast and that the educational purposes are non-commercial].

[<sup>F4</sup>(1A) Copyright is not infringed where a recording of a broadcast or a copy of such a recording, whose making was by virtue of subsection (1) not an infringement of copyright, is communicated to the public by a person situated within the premises of an educational establishment provided that the communication cannot be received by any person situated outside the premises of that establishment.]

- (2) This section does not apply if or to the extent that there is a licensing scheme certified for the purposes of this section under section 143 providing for the grant of licences.
- (3) Where a copy which would otherwise be an infringing copy is made in accordance with this section but is subsequently dealt with, it shall be treated as an infringing copy for the purposes of that dealing, and if that dealing infringes copyright for all subsequent purposes.

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*Status: Point in time view as at 31/10/2003. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 35. (See end of Document for details)*

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For this purpose “dealt with” means sold or let for hire [<sup>F5</sup>, offered or exposed for sale or hire, or communicated from within the premises of an educational establishment to any person situated outside those premises.]

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#### **Textual Amendments**

- F1** Words in s. 35 heading repealed (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 2\(2\)](#), [Sch. 2](#) (with [regs. 31-40](#))
- F2** Words in s. 35(1) 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** Words in s. 35(1) inserted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 12\(1\)\(a\)](#) (with [regs. 31-40](#))
- F4** S. 35(1A) inserted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 12\(1\)\(b\)](#) (with [regs. 31-40](#))
- F5** Words in s. 35(3) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 12\(1\)\(c\)](#) (with [regs. 31-40](#))
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#### **Modifications etc. (not altering text)**

- C1** Ss. 35, 36 extended by [S.I. 1989/1067](#), [art. 2](#)

**Status:**

Point in time view as at 31/10/2003. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 35.