
STATUTORY INSTRUMENTS

1995 No. 3297

**The Duration of Copyright and Rights
in Performances Regulations 1995**

Part III

Savings and transitional provisions

Rights in performances

Revived performance rights: saving for acts of exploitation when performance in public domain, &c.

33.—(1) No act done before commencement shall be regarded as infringing revived performance rights in a performance.

(2) It is not an infringement of revived performance rights in a performance—

- (a) to do anything after commencement in pursuance of arrangements made before 1st January 1995 at a time when the performance was not protected, or
- (b) to issue to the public after commencement a recording of a performance made before 1st July 1995 at a time when the performance was not protected.

(3) It is not an infringement of revived performance rights in a performance to do anything after commencement in relation to a sound recording or film made before commencement, or made in pursuance of arrangements made before commencement, which contains a recording of the performance if—

- (a) the recording of the performance was made before 1st July 1995 at a time when the performance was not protected, or
- (b) the recording of the performance was made in pursuance of arrangements made before 1st July 1995 at a time when the performance was not protected.

(4) It is not an infringement of revived performance rights in a performance to do after commencement anything at a time when, or in pursuance of arrangements made at a time when, the name and address of a person entitled to authorise the act cannot by reasonable inquiry be ascertained.

(5) In this Regulation “arrangements” means arrangements for the exploitation of the performance in question.

(6) References in this Regulation to a performance being protected are—

- (a) in relation to the period after the commencement of the 1988 Act, to rights under Part II of that Act subsisting in relation to the performance, and
- (b) in relation to earlier periods, to the consent of the performer being required under earlier enactments relating to the protection of performers.