
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Directive [98/84/EC](#) of the European Parliament and of the Council on the legal protection of services based on, or consisting of, conditional access (OJ L320, 28.11.98, p.54) (“the Directive”).

The Directive provides for protection against illicit devices which enable or facilitate the circumvention of technological measures designed to protect television and radio subscription services, “information society services” (as defined in the Directive) and conditional access services (which are to be afforded the same legal protection as the other services).

These Regulations amend sections 297A and 298 of the Copyright, Designs and Patents Act 1988 (“the 1988 Act”) and section 42A of the Telecommunications Act 1984 (“the 1984 Act”).

Section 297A of the 1988 Act now covers the activities prohibited by the Directive. The rights and remedies in section 298 now extend to the providers of information society services and conditional access services.

Section 42A of the 1984 Act is amended so as to avoid overlap with the amended section 297A of the 1988 Act.

A Regulatory Impact Assessment is available and can be obtained from the Copyright Directorate, The Patent Office, Harmsworth House, 13-15 Bouverie Street, London EC4Y 8DP.