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STATUTORY INSTRUMENTS

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**2003 No. 2498**

**The Copyright and Related Rights Regulations 2003**

**PART 2**

**AMENDMENTS OF THE COPYRIGHT, DESIGNS AND PATENTS ACT 1988**

*Acts permitted in relation to copyright works and rights in performances*

**Amendment of provisions relating to criticism, review and news reporting**

**10.**—(1) Section 30 shall be amended as follows—

(a) in subsection (1) after the word “acknowledgement” there shall be inserted “ and provided that the work has been made available to the public ”;

(b) after subsection (1) there shall be inserted—

“(1A) For the purposes of subsection (1) a work has been made available to the public if it has been made available by any means, including—

- (a) the issue of copies to the public;
- (b) making the work available by means of an electronic retrieval system;
- (c) the rental or lending of copies of the work to the public;
- (d) the performance, exhibition, playing or showing of the work in public;
- (e) the communication to the public of the work,

but in determining generally for the purposes of that subsection whether a work has been made available to the public no account shall be taken of any unauthorised act.”;

(c) in subsection (3) for the words from “, broadcast” to “programme” there shall be substituted “ or broadcast where this would be impossible for reasons of practicality or otherwise ”.

(2) For paragraph 2(1) of Schedule 2 there shall be substituted—

“**2.**—(1) Fair dealing with a performance or recording for the purpose of criticism or review, of that or another performance or recording, or of a work, does not infringe any of the rights conferred by Part 2 provided that the performance or recording has been made available to the public.

(1A) Fair dealing with a performance or recording for the purpose of reporting current events does not infringe any of the rights conferred by Part 2.”.

**Changes to legislation:**

There are currently no known outstanding effects for the The Copyright and Related Rights Regulations 2003, Section 10.