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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*

**Provisions relating to photographs of broadcasts**

**20.**—(1) For section 71 there shall be substituted—

**“Photographs of broadcasts**

**71.**—(1) The making in domestic premises for private and domestic use of a photograph of the whole or any part of an image forming part of a broadcast, or a copy of such a photograph, does not infringe any copyright in the broadcast or in any film included in it.

(2) Where a copy which would otherwise be an infringing copy is made in accordance with this section but is subsequently dealt with—

- (a) it shall be treated as an infringing copy for the purposes of that dealing; and
- (b) if that dealing infringes copyright, it shall be treated as an infringing copy for all subsequent purposes.

(3) In subsection (2), “dealt with” means sold or let for hire, offered or exposed for sale or hire or communicated to the public.”.

(2) After paragraph 17A of Schedule 2 (inserted by regulation 19(3)) there shall be inserted—

*“Photographs of broadcasts*

**17B.**—(1) The making in domestic premises for private and domestic use of a photograph of the whole or any part of an image forming part of a broadcast, or a copy of such a photograph, does not infringe any right conferred by Part 2 in relation to a performance or recording included in the broadcast.

(2) Where a recording which would otherwise be an illicit recording is made in accordance with this paragraph but is subsequently dealt with—

- (a) it shall be treated as an illicit recording for the purposes of that dealing; and
- (b) if that dealing infringes any right conferred by Part 2, it shall be treated as an illicit recording for all subsequent purposes.

(3) In sub-paragraph (2), “dealt with” means sold or let for hire, offered or exposed for sale or hire or communicated to the public.

(4) Expressions used in this paragraph have the same meaning as in section 71.”.

(3) In section 27(6) for the “or” appearing at the end of the entry for section 68(4) there shall be substituted—

“section 70(2) (recording for the purposes of time-shifting),  
section 71(2) (photographs of broadcasts), or.”

(4) In section 197(5) at the appropriate place there shall be inserted—

“paragraph 17A(2) (recording for the purposes of time-shifting), or  
paragraph 17B(2) (photographs of broadcasts).”