STATUTORY INSTRUMENTS

2003 No. 2498

The Copyright and Related Rights Regulations 2003

PART 2

AMENDMENTS OF THE COPYRIGHT, DESIGNS AND PATENTS ACT 1988

Making available right

Making available right for performers

7.—(1) After section 182C there shall be inserted—

"**182CA Consent required for making available to the public**

182CA

(1) A performer's rights are infringed by a person who, without his consent, makes available to the public a recording of the whole or any substantial part of a qualifying performance by electronic transmission in such a way that members of the public may access the recording from a place and at a time individually chosen by them.

(2) The right of a performer under this section to authorise or prohibit the making available to the public of a recording is referred to in this Part as "making available right.".

(2) In section 182D (right to equitable remuneration for exploitation of sound recording) for subsection (1)(b) there shall be substituted—

"(b) is communicated to the public otherwise than by its being made available to the public in the way mentioned in section 182CA(1),".

(3) In section 191A (performers' property rights) in subsection (1) after the entry for "rental right and lending right" there shall be inserted " making available right (section 182CA), ".

(4) Schedule 2A shall be amended as follows—

(a) in paragraph 1(3) for the words "182B or 182C" there shall be substituted " 182B, 182C or 182CA ";

(b) in paragraphs 2 and 9, for the "or" appearing at the end of sub-paragraph (a) there shall be substituted—

"(aa) making such a recording available to the public in the way mentioned in section 182CA(1), or."

Changes to legislation:
There are currently no known outstanding effects for the The Copyright and Related Rights Regulations 2003, Section 7.