
STATUTORY INSTRUMENTS

2013 No. 536

**The Copyright and Performances
(Application to Other Countries) Order 2013**

Exceptions to application of Part II

- 7.—(1) In relation to article 6(2), (3) and (5), the following provisions of Part II shall not apply—
- (a) section 182C (consent required for rental or lending of copies to public)(1), in so far as it relates to lending;
 - (b) section 183 (infringement of performer’s rights by use of recording made without consent)(2);
 - (c) sections 185 to 188 (rights of person having recording rights)(3);
 - (d) section 198(2) (criminal liability for playing or communicating to the public)(4).
- (2) In relation to article 6(3), the following provisions of Part II shall not apply—
- (a) section 182CA (consent required for making available to the public)(5);
 - (b) section 182D (right to equitable remuneration for exploitation of sound recording)(6);
 - (c) section 198(1A) (criminal liability for making available to the public)(7).
- (3) In relation to article 6(4), to the extent that the relevant declaration under the Rome Convention is in force in the law of the country in relation to British performances, the provisions of Part II shall not apply to grant the protection provided under Article 12 of the Rome Convention, unless the recording has been first published in a country which is party to the Rome Convention and which has not made a relevant declaration under that Convention.
- (4) In relation to article 6(5), where a country is a party to the WPPT and has made a relevant declaration under the WPPT, the provisions of Part II shall not apply to protect the right provided for in Article 15(1) of the WPPT to the extent the declaration is in force in the law of that country in relation to British performances.

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- (1) Section 182C of the Act was inserted by regulation 20(2) of the Copyright and Related Rights Regulations 1996 and was subsequently amended by regulation 2(1) of, and paragraph 6(2) of Schedule 1 to, the Copyright and Related Rights Regulations 2003 and regulation 2 of, and paragraph 8 of the Schedule to, the Performances (Moral Rights, etc) Regulations 2006 *S.I. 2006/18*.
 - (2) Section 183 of the Act was amended by regulation 2(1) of, and paragraph 13(1)(a) of Schedule 1 to, the Copyright and Related Rights Regulations 2003.
 - (3) Section 185 of the Act was amended by regulation 2 of, and paragraph 8 of the Schedule to, the Performances (Moral Rights, etc) Regulations 2006; section 186 of the Act was amended by regulation 2(2) of, and Schedule 2 to, the Copyright and Related Rights Regulations 2003; section 187 of the Act was amended by regulation 2(1) of, and paragraph 13(1)(b) of Schedule 1 to, the Copyright and Related Rights Regulations 2003.
 - (4) Section 198(2) of the Act was amended by regulation 2(1) of, and paragraph 4(5) of the Schedule to, the Copyright and Related Rights Regulations 2003 and by regulation 2 of, and paragraph 8 of the Schedule to, the Copyright and Related Rights Regulations 2006.
 - (5) Section 182CA of the Act was inserted by regulation 7(1) of the Copyright and Related Rights Regulations 2003 and was subsequently amended by regulation 2 of, and paragraph 8 of the Schedule to, the Performances (Moral Rights, etc) Regulations 2006.
 - (6) Section 182D of the Act was inserted by regulation 20(2) of the Copyright and Related Rights Regulations 1996 and was subsequently amended by regulation 7(2) of the Copyright and Related Rights Regulations 2003 and regulation 2 of, and paragraph 3 of the Schedule to, the Performances (Moral Rights, etc) Regulations 2006.
 - (7) Section 198(1A) of the Act was inserted by regulation 26(3) of the Copyright and Related Rights Regulations 2003.

Status: *This is the original version (as it was originally made).*
