

---

## STATUTORY INSTRUMENTS

---

# 2016 No. 1219

## The Copyright and Performances (Application to Other Countries) Order 2016

### PART 5

#### PERFORMANCES

##### **Saving**

**13.**—(1) For the purposes of this article an act is an “excluded act” where—

- (a) a person (A) has incurred any expenditure or liability in connection with the act; and
- (b) A—
  - (i) began in good faith to do the act, or
  - (ii) made in good faith effective and serious preparations to do the act,at a time when the act neither infringed nor was restricted by the relevant rights in the work or performance.

(2) Where another person (B) acquires those relevant rights as a consequence of the provisions of this Order on or after its coming into force, A has the right—

- (a) to continue to do the excluded act, or
- (b) to do the excluded act,

notwithstanding that the excluded act infringes or is restricted by those relevant rights.

(3) Where B or, as the case may be, B's exclusive licensee in respect of the relevant rights pays reasonable compensation to A, paragraph (2) no longer applies.

(4) Where—

- (a) B or, as the case may be, B's exclusive licensee offers to pay compensation to A under paragraph (3), but
- (b) A and B or, as the case may be, B's exclusive licensee cannot agree on what compensation is reasonable,

either person may refer the matter to arbitration.

(5) In this article—

- (a) “exclusive licensee” means a licensee under an exclusive licence (as defined in section 92(1) or 191D(1) <sup>M1</sup>); and
- (b) “relevant rights” means copyright, the rights conferred by Chapter 4 of Part 1 of the Act (moral rights) and the rights conferred by Part 2 of the Act.

---

**Changes to legislation:** There are currently no known outstanding effects for the The Copyright and Performances (Application to Other Countries) Order 2016, Section 13. (See end of Document for details)

---

**Marginal Citations**

- M1** Section 191D was inserted by regulations 4 and 21(1) of the [Copyright and Related Rights Regulations 1996 \(S.I. 1996/2967\)](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Copyright and Performances (Application to Other Countries) Order 2016, Section 13.