

SCHEDULE

MINOR AND CONSEQUENTIAL AMENDMENTS

1. The Copyright, Designs and Patents Act 1988 shall be amended as follows.
2. In subsection (3) of section 5B (films)(1) for paragraph (b) and the word “and” immediately preceding it there shall be substituted—
 - “(b) references in this Part to playing a sound recording, or to communicating a sound recording to the public, do not include playing or communicating the film sound track to accompany the film,
 - (c) references in this Part to copying a work, so far as they apply to a sound recording, do not include copying the film sound track to accompany the film, and
 - (d) references in this Part to the issuing, rental or lending of copies of a work, so far as they apply to a sound recording, do not include the issuing, rental or lending of copies of the sound track to accompany the film.”.
- 3.—(1) Section 182D (right to equitable remuneration for exploitation of sound recording)(2) shall be amended as follows.
 - (2) After subsection (1) there shall be inserted—

“(1A) In subsection (1), the reference to publication of a sound recording includes making it available to the public by electronic transmission in such a way that members of the public may access it from a place and at a time individually chosen by them.”.
 - (3) After subsection (7) there shall be inserted—

“(8) In this section “collecting society” means a society or other organisation which has as its main object, or one of its main objects, the exercise of the right to equitable remuneration on behalf of more than one performer.”.
4. In subsection (1) of section 191A (performers' property rights)(3) the word “a” appearing before the words “performer’s property rights” shall be omitted.
5. In subsection (1) of section 192A (performers' non-property rights) the word “a” appearing before the words “performer’s non-property rights” shall be omitted.
- 6.—(1) Section 211 (expressions having the same meaning as in copyright provisions) shall be amended as follows.
 - (2) In subsection (1), at the appropriate places, there shall be inserted—

“assignment (in Scotland),”;

“signed.”.
 - (3) In subsection (2) for the words from the beginning to the word “apply” there shall be substituted—

“The provisions of—

 - (a) section 5B(2) and (3) (supplementary provisions relating to films), and

(1) Section 5B of the Copyright, Designs and Patents Act 1988 was inserted by regulation 9(1) of the Duration of Copyright and Rights in Performances Regulations 1995 (SI 1995/3297).

(2) Section 182D of the Copyright, Designs and Patents Act 1988 was inserted by regulation 20(2) of the Copyright and Related Rights Regulations 1996 (SI 1996/2967).

(3) Section 191A and 192A of the Copyright, Designs and Patents Act 1988 were inserted by regulation 21(1) of the Copyright and Related Rights Regulations 1996.

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(b) section 6(3) to (5A) and section 19(4) (supplementary provisions relating to broadcasting),
apply”.

7. In section 212 (index of defined expressions), at the appropriate places, there shall be inserted—

“assignment (in Scotland)	section 211(1) (and section 177);”
“group	section 205C(4);”
“issue to the public	section 182B;”
“signed	section 211(1) (and section 176);”
“wireless broadcast	section 211(1) (and section 178).”

8.—(1) In the provisions listed in sub-paragraph (2) for the words “this Part” there shall be substituted “this Chapter”.

(2) Those provisions are—

- section 182A(3);
- section 182B(5);
- section 182C(2), (6) and (7);
- section 182CA(2);
- section 185(1) to (3);
- section 189 (and the heading to that section);
- section 190(2)(a);
- section 191(1), (2), (4) and (5);
- section 191A(1) to (4);
- section 191B(4);
- section 191C(3);
- section 191D(1);
- section 191I(3);
- section 191L(2);
- section 192A(1) and (3);
- section 192B(1) and (2);
- section 193(1);
- section 194(b);
- section 195(1);
- section 197(1) and (5);
- section 198(1)(c), (2) and (4);
- section 201(1);

section 202(1);
section 204(2);
section 205B(1) and (2);
paragraph 12(2) of Schedule 2;
paragraph 1(4) of Schedule 2A.

9.—(1) In the provisions listed in sub-paragraph (2) for the words “Part 2” (or “Part II”), wherever they appear, there shall be substituted “this Chapter”.

(2) Those provisions are—

paragraph 1(1) and (2) of Schedule 2;
paragraph 1A of Schedule 2;
paragraph 2(1) and (1A) of Schedule 2;
paragraph 3(1) of Schedule 2;
paragraph 4(1), (2) and (3) of Schedule 2;
paragraph 5(1) of Schedule 2;
paragraph 6(1), (1A) and (2) of Schedule 2;
paragraph 6A(1) of Schedule 2;
paragraph 6B(1) of Schedule 2;
paragraph 7(1) of Schedule 2;
paragraph 8(1) of Schedule 2;
paragraph 9(1) of Schedule 2;
paragraph 10(1) of Schedule 2;
paragraph 11(1) of Schedule 2;
paragraph 12(5) of Schedule 2;
paragraph 13(1) of Schedule 2;
paragraph 14(1) and (3) of Schedule 2;
paragraph 15(1) of Schedule 2;
paragraph 16(1) of Schedule 2;
paragraph 17(1), (2) and (3) of Schedule 2;
paragraph 17A(1) and (2)(b) of Schedule 2;
paragraph 17B(1) and (2)(b) of Schedule 2;
paragraph 18(1), (1A) and (4) of Schedule 2;
paragraph 19(2), (3) and (4) of Schedule 2;
paragraph 19A(1) of Schedule 2;
paragraph 20(1) of Schedule 2;
paragraph 21(1) of Schedule 2;
paragraph 1(1) and (2) of Schedule 2A.

10. In paragraph 16(1) of Schedule 2 for the words “that Part” there shall be substituted “this Chapter”.

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