



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART I

#### COPYRIGHT

#### CHAPTER III

##### ACTS PERMITTED IN RELATION TO COPYRIGHT WORKS

##### *Education*

### **32 Things done for purposes of instruction or examination.**

[<sup>F1</sup>(1) Copyright in a literary, dramatic, musical or artistic work is not infringed by its being copied in the course of instruction or of preparation for instruction, provided the copying—

- (a) is done by a person giving or receiving instruction,
- (b) is not done by means of a reprographic process, and
- (c) is accompanied by a sufficient acknowledgement,

and provided that the instruction is for a non-commercial purpose.

(2) Copyright in a sound recording, film or broadcast is not infringed by its being copied by making a film or film sound-track in the course of instruction, or of preparation for instruction, in the making of films or film sound-tracks, provided the copying—

- (a) is done by a person giving or receiving instruction, and
- (b) is accompanied by a sufficient acknowledgement,

and provided that the instruction is for a non-commercial purpose.

(2A) Copyright in a literary, dramatic, musical or artistic work which has been made available to the public is not infringed by its being copied in the course of instruction or of preparation for instruction, provided the copying—

- (a) is fair dealing with the work,

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- (b) is done by a person giving or receiving instruction,
  - (c) is not done by means of a reprographic process, and
  - (d) is accompanied by a sufficient acknowledgement.
- (2B) The provisions of section 30(1A) (works made available to the public) apply for the purposes of subsection (2A) as they apply for the purposes of section 30(1).]
- (3) Copyright is not infringed by anything done for the purposes of an examination by way of setting the questions, communicating the questions to the candidates or answering the questions [<sup>F2</sup>, provided that the questions are accompanied by a sufficient acknowledgement].
- [<sup>F3</sup>(3A) No acknowledgement is required in connection with copying as mentioned in subsection (1), (2) or (2A), or in connection with anything done for the purposes mentioned in subsection (3), where this would be impossible for reasons of practicality or otherwise.]
- (4) Subsection (3) does not extend to the making of a reprographic copy of a musical work for use by an examination candidate in performing the work.
- (5) Where a copy which would otherwise be an infringing copy is made in accordance with this section but is subsequently dealt with, it shall be treated as an infringing copy for the purpose of that dealing, and if that dealing infringes copyright for all subsequent purposes.
- [<sup>F4</sup>For this purpose “dealt with” means—
- (a) sold or let for hire, offered or exposed for sale or hire; or
  - (b) communicated to the public, unless that communication, by virtue of subsection (3), is not an infringement of copyright.]

#### Textual Amendments

- F1** S. 32(1)-(2B) substituted (31.10.2003) for s. 32(1)(2) by The Copyright and Related Rights Regulations 2003 (S.I. 2003/2498), {reg. 11(a)} (with regs. 31-40)
- F2** Words in s. 32(3) inserted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 11\(b\)](#) (with [reg. 31-40](#))
- F3** S. 32(3A) inserted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2598\)](#), [reg. 11\(c\)](#) (with [regs. 31-40](#))
- F4** Words in s. 32(5) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 11\(d\)](#) (with [regs. 31-40](#))

### 33 Anthologies for educational use.

- (1) The inclusion of a short passage from a published literary or dramatic work in a collection which—
- (a) is intended for use in educational establishments and is so described in its title, and in any advertisements issued by or on behalf of the publisher, and
  - (b) consists mainly of material in which no copyright subsists,
- does not infringe the copyright in the work if the work itself is not intended for use in such establishments and the inclusion is accompanied by a sufficient acknowledgement.

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- (2) Subsection (1) does not authorise the inclusion of more than two excerpts from copyright works by the same author in collections published by the same publisher over any period of five years.
- (3) In relation to any given passage the reference in subsection (2) to excerpts from works by the same author—
  - (a) shall be taken to include excerpts from works by him in collaboration with another, and
  - (b) if the passage in question is from such a work, shall be taken to include excerpts from works by any of the authors, whether alone or in collaboration with another.
- (4) References in this section to the use of a work in an educational establishment are to any use for the educational purposes of such an establishment.

### **34 Performing, playing or showing work in course of activities of educational establishment.**

- (1) The performance of a literary, dramatic or musical work before an audience consisting of teachers and pupils at an educational establishment and other persons directly connected with the activities of the establishment—
  - (a) by a teacher or pupil in the course of the activities of the establishment, or
  - (b) at the establishment by any person for the purposes of instruction,is not a public performance for the purposes of infringement of copyright.
- (2) The playing or showing of a sound recording, film [<sup>F5</sup>or broadcast] before such an audience at an educational establishment for the purposes of instruction is not a playing or showing of the work in public for the purposes of infringement of copyright.
- (3) A person is not for this purpose directly connected with the activities of the educational establishment simply because he is the parent of a pupil at the establishment.

#### **Textual Amendments**

- F5** Words in s. 34(2) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 2(1), [Sch. 1 para. 3\(1\)\(f\)](#) (with regs. 31-40)

### **35 Recording by educational establishments of broadcasts <sup>F6</sup>. . . .**

- (1) A recording of a broadcast <sup>F7</sup>. . . , or a copy of such a recording, may be made by or on behalf of an educational establishment for the educational purposes of that establishment without thereby infringing the copyright in the broadcast <sup>F7</sup>. . . , or in any work included in it [<sup>F8</sup>, provided that it is accompanied by a sufficient acknowledgement of the broadcast and that the educational purposes are non-commercial].

[<sup>F9</sup>(1A) Copyright is not infringed where a recording of a broadcast or a copy of such a recording, whose making was by virtue of subsection (1) not an infringement of copyright, is communicated to the public by a person situated within the premises of an educational establishment provided that the communication cannot be received by any person situated outside the premises of that establishment.]

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- (2) This section does not apply if or to the extent that there is a licensing scheme certified for the purposes of this section under section 143 providing for the grant of licences.
- (3) Where a copy which would otherwise be an infringing copy is made in accordance with this section but is subsequently dealt with, it shall be treated as an infringing copy for the purposes of that dealing, and if that dealing infringes copyright for all subsequent purposes.

For this purpose “dealt with” means sold or let for hire [<sup>F10</sup>, offered or exposed for sale or hire, or communicated from within the premises of an educational establishment to any person situated outside those premises.]

#### Textual Amendments

- F6** Words in s. 35 heading repealed (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 2\(2\)](#), [Sch. 2](#) (with [regs. 31-40](#))
- F7** Words in s. 35(1) repealed (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 2\(2\)](#), [Sch. 2](#) (with [regs. 31-40](#))
- F8** Words in s. 35(1) inserted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 12\(1\)\(a\)](#) (with [regs. 31-40](#))
- F9** S. 35(1A) inserted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 12\(1\)\(b\)](#) (with [regs. 31-40](#))
- F10** Words in s. 35(3) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 12\(1\)\(c\)](#) (with [regs. 31-40](#))

#### Modifications etc. (not altering text)

- C1** Ss. 35, 36 extended by [S.I. 1989/1067](#), [art. 2](#)

### 36 Reprographic copying by educational establishments of passages from published works.

- (1) Reprographic copies of passages from published literary, dramatic or musical works may, to the extent permitted by this section, be made by or on behalf of an educational establishment for the purposes of instruction without infringing any copyright in the work, [<sup>F11</sup>provided that they are accompanied by a sufficient acknowledgement and the instruction is for a non-commercial purpose].
- [<sup>F12</sup>(1A) No acknowledgement is required in connection with the making of copies as mentioned in subsection (1) where this would be impossible for reasons of practicality or otherwise.
- (1B) Reprographic copies of passages from published editions may, to the extent permitted by this section, be made by or on behalf of an educational establishment for the purposes of instruction without infringing any copyright in the typographical arrangement of the edition.]
- (2) Not more than one per cent. of any work may be copied by or on behalf of an establishment by virtue of this section in any quarter, that is, in any period 1st January to 31st March, 1st April to 30th June, 1st July to 30th September or 1st October to 31st December.

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- (3) Copying is not authorised by this section if, or to the extent that, licences are available authorising the copying in question and the person making the copies knew or ought to have been aware of that fact.
- (4) The terms of a licence granted to an educational establishment authorising the reprographic copying for the purposes of instruction of passages from published <sup>F13</sup> . . . works are of no effect so far as they purport to restrict the proportion of a work which may be copied (whether on payment or free of charge) to less than that which would be permitted under this section.
- (5) Where a copy which would otherwise be an infringing copy is made in accordance with this section but is subsequently dealt with, it shall be treated as an infringing copy for the purposes of that dealing, and if that dealing infringes copyright for all subsequent purposes.

For this purpose “dealt with” means sold or let for hire [<sup>F14</sup>, offered or exposed for sale or hire or communicated to the public.]

#### Textual Amendments

- F11** Words in s. 36(1) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 13\(a\)](#) (with [regs. 31-40](#))
- F12** S. 36(1A)(1B) inserted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 13\(b\)](#) (with [regs. 31-40](#))
- F13** Words in s. 36(4) repealed (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 2\(2\)](#), [Sch. 2](#) (with [regs. 31-40](#))
- F14** Words in s. 36(5) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 13\(c\)](#) (with [regs. 31-40](#))

#### Modifications etc. (not altering text)

- C2** Ss. 35, 36 extended by [S.I. 1989/1067](#), [art. 2](#)

### [<sup>F15</sup>36A Lending of copies by educational establishments

Copyright in a work is not infringed by the lending of copies of the work by an educational establishment.]

#### Textual Amendments

- F15** S. 36A inserted (1.12.1996) by [S.I. 1996/2967](#), [reg. 11\(1\)](#) (with [Pt. III](#))

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