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*Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Paragraph 3. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 2

#### RIGHTS IN PERFORMANCES: PERMITTED ACTS

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

- C1** Sch. 2 continued (31.10.2003) by virtue of [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#) , [reg. 33](#) (with [regs. 31-40](#) )

##### *Incidental inclusion of performance or recording*

- 3 (1) The rights conferred by [<sup>F1</sup>this Chapter] are not infringed by the incidental inclusion of a performance or recording in a sound recording, film [<sup>F2</sup>or broadcast].
- (2) Nor are those rights infringed by anything done in relation to copies of, or the playing, showing [<sup>F3</sup>or communication to the public] of, anything whose making was, by virtue of sub-paragraph (1), not an infringement of those rights.
- (3) A performance or recording so far as it consists of music, or words spoken or sung with music, shall not be regarded as incidentally included in a sound recording [<sup>F2</sup>or broadcast] if it is deliberately included.
- (4) Expressions used in this paragraph have the same meaning as in section 31.

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##### Textual Amendments

- F1** Words in Sch. 2 para. 3(1) substituted (1.2.2006) by [The Performances \(Moral Rights, etc.\) Regulations 2006 \(S.I. 2006/18\)](#) , [reg. 2](#) , [Sch. para. 9](#) (with [reg. 8](#) )
- F2** Words in Sch. 2 para. 3(1)(3) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#) , [reg. 2\(1\)](#) , [Sch. 1 para. 3\(1\)\(l\)\(m\)](#) (with [regs. 31-40](#) )
- F3** Words in Sch. 2 para. 3(2) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#) , [reg. 2\(1\)](#) , [Sch. 1 para. 6\(2\)\(e\)](#) (with [regs. 31-40](#) )

**Changes to legislation:**

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Paragraph 3.