



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART I

COPYRIGHT

CHAPTER VII

COPYRIGHT LICENSING

[^{F1} Use as of right of sound recordings in broadcasts ^{F1} . . .

[^{F1}135A Circumstances in which right available.

- (1) Section 135C applies to the inclusion in a broadcast ^{F2} . . . of any sound recordings if—
 - (a) a licence to include those recordings in the broadcast ^{F2} . . . could be granted by a licensing body or such a body could procure the grant of a licence to do so,
 - (b) the condition in subsection (2) or (3) applies, and
 - (c) the person including those recordings in the broadcast ^{F2} . . . has complied with section 135B.
- (2) Where the person including the recordings in the broadcast ^{F2} . . . does not hold a licence to do so, the condition is that the licensing body refuses to grant, or procure the grant of, such a licence, being a licence—
 - (a) whose terms as to payment for including the recordings in the broadcast ^{F2} . . . would be acceptable to him or comply with an order of the Copyright Tribunal under section 135D relating to such a licence or any scheme under which it would be granted, and
 - (b) allowing unlimited needletime or such needletime as he has demanded.
- (3) Where he holds a licence to include the recordings in the broadcast ^{F2} . . . , the condition is that the terms of the licence limit needletime and the licensing body refuses to substitute or procure the substitution of terms allowing unlimited needletime

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 135A. (See end of Document for details)

or such needletime as he has demanded, or refuses to do so on terms that fall within subsection (2)(a).

(4) The references in subsection (2) to refusing to grant, or procure the grant of, a licence, and in subsection (3) to refusing to substitute or procure the substitution of terms, include failing to do so within a reasonable time of being asked.

(5) In the group of sections from this section to section 135G—

[^{F3} “ broadcast ” does not include any broadcast which is a transmission of the kind specified in section 6(1A)(b) or (c);]

“ needletime ” means the time in any period (whether determined as a number of hours in the period or a proportion of the period, or otherwise) in which any recordings may be included in a broadcast ^{F2} ;

“ sound recording ” does not include a film sound track when accompanying a film.

(6) In sections 135B to 135G, “ terms of payment ” means terms as to payment for including sound recordings in a broadcast ^{F2}]

Textual Amendments

F1 Ss. 135A–135G inserted by [Broadcasting Act 1990 \(c. 42, SIF 96\)](#), **s. 175(1)**

F2 Words in s. 135A 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)

F3 S. 135A(5): definition of "broadcast" inserted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), **reg. 2(1)**, **Sch. 1 para. 15(1)** (with regs. 31-40)

Changes to legislation:

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 135A.