



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART II

RIGHTS IN PERFORMANCES

[^{F1}CHAPTER 2

ECONOMIC RIGHTS]

^{X1}[^{F1}*Non-property rights*]

^{X1}[^{F1} **Performers' non-property rights.**

192A

(1) the rights conferred on a performer by -

section 182 (consent required for recording, &c. of live performance),

section 183 (infringement of performer's rights by use of recording made without consent), ^{F2} ...

section 184 (infringement of performer's rights importing, possessing or dealing with illicit recording),

[^{F3}section 191HA (assignment of performer's property rights in a sound recording), and

section 191HB (payment in consideration of assignment),]

are not assignable or transmissible, except to the following extent.

They are referred to in [^{F4} this Chapter] as "^{F5} . . . performer's non-property rights".

(2) On the death of a person entitled to any such right—

(a) the right passes to such person as he may by testamentary disposition specifically direct, and

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 192A. (See end of Document for details)

- (b) if or to the extent that there is no such direction, the right is exercisable by his personal representatives.
- (3) References in [F⁴this Chapter] to the performer, in the context of the person having any such right, shall be construed as references to the person for the time being entitled to exercise those rights.
- (4) Where by virtue of subsection (2)(a) a right becomes exercisable by more than one person, it is exercisable by each of them independently of the other or others.
- (5) Any damages recovered by personal representatives by virtue of this section in respect of an infringement after a person's death shall devolve as part of his estate as if the right of action had subsisted and been vested in him immediately before his death.]

Editorial Information

- X1** The insertion of the new headings "Chapter 1 Introductory", "Chapter 2 Economic Rights", "Chapter 3 Moral Rights" and "Chapter 4 Qualification for Protection, Extent and Interpretation" in Pt. II on 1.2.2006 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under those new headings.

Textual Amendments

- F1** Ss. 192A, 192B and crossheading substituted for s. 192 (1.12.1996) by [S.I. 1996/2967](#), **reg. 21(2)** (with [Pt. III](#))
- F2** Word in s. 192A(1) deleted (1.11.2013) by [The Copyright and Duration of Rights in Performances Regulations 2013 \(S.I. 2013/1782\)](#), **regs. 1, 10** (with [regs. 11-27](#))
- F3** Words in s. 192A(1) inserted (1.11.2013) by [The Copyright and Duration of Rights in Performances Regulations 2013 \(S.I. 2013/1782\)](#), **regs. 1, 10** (with [regs. 11-27](#))
- F4** Words in s. 192A(1)(3) substituted (1.2.2006) by [The Performances \(Moral Rights, etc.\) Regulations 2006 \(S.I. 2006/18\)](#), **reg. 2, Sch. para. 8** (with [reg. 8](#))
- F5** Word in s. 192A(1) omitted by virtue of [The Performances \(Moral Rights, etc.\) Regulations 2006 \(S.I. 2006/18\)](#), **reg. 2, Sch. para. 5** (with [reg. 8](#))

Changes to legislation:

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 192A .