



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART I

#### COPYRIGHT

#### CHAPTER I

##### SUBSISTENCE, OWNERSHIP AND DURATION OF COPYRIGHT

##### *Descriptions of work and related provisions*

#### 7 Cable programmes

(1) In this Part—

“cable programme” means any item included in a cable programme service; and

“cable programme service” means a service which consists wholly or mainly in sending visual images, sounds or other information by means of a telecommunications system, otherwise than by wireless telegraphy, for reception—

- (a) at two or more places (whether for simultaneous reception or at different times in response to requests by different users), or
- (b) for presentation to members of the public,

and which is not, or so far as it is not, excepted by or under the following provisions of this section.

(2) The following are excepted from the definition of “cable programme service”—

- (a) a service or part of a service of which it is an essential feature that while visual images, sounds or other information are being conveyed by the person providing the service there will or may be sent from each place of reception, by means of the same system or (as the case may be) the same part of it,

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*Status: This is the original version (as it was originally enacted).*

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- information (other than signals sent for the operation or control of the service) for reception by the person providing the service or other persons receiving it;
- (b) a service run for the purposes of a business where—
    - (i) no person except the person carrying on the business is concerned in the control of the apparatus comprised in the system,
    - (ii) the visual images, sounds or other information are conveyed by the system solely for purposes internal to the running of the business and not by way of rendering a service or providing amenities for others, and
    - (iii) the system is not connected to any other telecommunications system;
  - (c) a service run by a single individual where—
    - (i) all the apparatus comprised in the system is under his control,
    - (ii) the visual images, sounds or other information conveyed by the system are conveyed solely for domestic purposes of his, and
    - (iii) the system is not connected to any other telecommunications system;
  - (d) services where—
    - (i) all the apparatus comprised in the system is situated in, or connects, premises which are in single occupation, and
    - (ii) the system is not connected to any other telecommunications system, other than services operated as part of the amenities provided for residents or inmates of premises run as a business;
  - (e) services which are, or to the extent that they are, run for persons providing broadcasting or cable programme services or providing programmes for such services.
- (3) The Secretary of State may by order amend subsection (2) so as to add or remove exceptions, subject to such transitional provision as appears to him to be appropriate.
- (4) An order shall be made by statutory instrument; and no order shall be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.
- (5) References in this Part to the inclusion of a cable programme or work in a cable programme service are to its transmission as part of the service; and references to the person including it are to the person providing the service.
- (6) Copyright does not subsist in a cable programme—
- (a) if it is included in a cable programme service by reception and immediate re-transmission of a broadcast, or
  - (b) if it infringes, or to the extent that it infringes, the copyright in another cable programme or in a broadcast.