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SCHEDULES

SIXTH SCHEDULE

Section 45.

AMENDMENT OF DRAMATIC AND MUSICAL PERFORMERS' PROTECTION ACT, 1925

PART I

NEW SECTIONS 1A AND 1B

“Penalties for making, &c., cinematograph films without consent of performers

- 1A** Subject to the provisions of this Act, if any person knowingly—
- (a) makes a cinematograph film, directly or indirectly, from or by means of the performance of any dramatic or musical work without the consent in writing of the performers, or
 - (b) sells or lets for hire, or distributes for the purposes of trade, or by way of trade exposes or offers for sale or hire, a cinematograph film made in contravention of this Act, or
 - (c) uses for the purposes of exhibition to the public a cinematograph film made in contravention of this Act,

he shall be guilty of an offence under this Act, and shall be liable on summary conviction to a fine not exceeding fifty pounds:

Provided that, where a person is charged with an offence under paragraph (a) of this section, it shall be a defence to prove that the cinematograph film was made for his private and domestic use only.

Penalties for broadcasting without consent of performers

- 1B** Subject to the provisions of this Act, any person who, otherwise than by the use of a record or a cinematograph film, knowingly broadcasts a performance of any dramatic or musical work, or any part of such a performance, without the consent in writing of the performers shall be guilty of an offence under this Act, and shall be liable on summary conviction to a fine not exceeding fifty pounds.”

PART II

NEW SECTIONS 3A AND 3B

“Special defences

- 3A** Notwithstanding anything in the preceding provisions of this Act, it shall be a defence to any proceedings under this Act to prove—

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- (a) that the record, cinematograph film or broadcast to which the proceedings relate was made only for the purpose of reporting current events, or
- (b) that the inclusion of the performance in question in the record, cinematograph film or broadcast to which the proceedings relate was only by way of background or was otherwise only incidental to the principal matters comprised or represented in the record, film or broadcast.

Consent on behalf of performers

- 3B** Where in any proceedings under this Act it is proved—
- (a) that the record, cinematograph film or broadcast to which the proceedings relate was made with the consent in writing of a person who, at the time of giving the consent, represented that he was authorised by the performers to give it on their behalf, and
 - (b) that the person making the record, film or broadcast had no reasonable grounds for believing that the person giving the consent was not so authorised,
- the provisions of this Act shall apply as if it had been proved that the performers had themselves consented in writing to the making of the record, film or broadcasts”

PART III

MINOR AND CONSEQUENTIAL AMENDMENTS

<i>Provision amended</i>	<i>Amendment</i>
Section one	At the beginning of the section there shall be inserted the words “Subject to the provisions of this Act ”; and at the end of the section, for the words “not made for purposes of trade ” there shall be substituted the words “made for his private and domestic use only ”.
Section three	For the words “records or ” there shall be substituted the words " records, cinematograph films
Section four	At the end of the definition of the expression “record ” there shall be inserted the words “including the sound-track of a cinematograph film ”; and at the end of the section there shall be inserted the following definitions:— <div style="margin-left: 40px;">“The expression ' cinematograph film ' means any print, negative, tape or other article on which a performance of a dramatic or musical work or part thereof is recorded for the purposes of visual reproduction, and any reference to the making of a cinematograph film is a reference to the carrying out of any process</div>

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Provision amended

Amendment

whereby such a performance or part thereof is so recorded;

The expression 'broadcast' means broadcast by wireless telegraphy (within the meaning of the Wireless Telegraphy Act, 1949), whether by way of sound broadcasting or of television”