
STATUTORY INSTRUMENTS

1995 No. 3297

**The Duration of Copyright and Rights
in Performances Regulations 1995**

Part III

Savings and transitional provisions

Rights in performances

Entitlement to extended or revived performance rights

31.—(1) Any extended performance rights are exercisable as from commencement by the person who was entitled to exercise those rights immediately before commencement, that is—

- (a) in the case of performers' rights, the performer or (if he has died) the person entitled by virtue of section 192(2) of the 1988 Act to exercise those rights;
- (b) in the case of recording rights, the person who was within the meaning of section 185 of the 1988 Act the person having those rights.

(2) Any revived performance rights are exercisable as from commencement—

- (a) in the case of rights which expired after the commencement of the 1988 Act, by the person who was entitled to exercise those rights immediately before they expired;
- (b) in the case of revived pre-1988 performers' rights, by the performer or his personal representatives;
- (c) in the case of revived pre-1988 recording rights, by the person who would have been the person having those rights immediately before the commencement of the 1988 Act or, if earlier, immediately before the death of the performer, applying the provisions of section 185 of that Act to the circumstances then obtaining.

(3) Any remuneration or damages received by a person's personal representatives by virtue of a right conferred on them by paragraph (1) or (2) shall devolve as part of that person's estate as if the right had subsisted and been vested in him immediately before his death.