
STATUTORY INSTRUMENTS

2003 No. 2498

The Copyright and Related Rights Regulations 2003

PART 2

AMENDMENTS OF THE COPYRIGHT, DESIGNS AND PATENTS ACT 1988

Broadcasts

Provisions relating to broadcasts

4. Section 6 shall be amended as follows—

(a) for subsection (1) there shall be substituted—

“(1) In this Part a “broadcast” means an electronic transmission of visual images, sounds or other information which—

- (a) is transmitted for simultaneous reception by members of the public and is capable of being lawfully received by them, or
- (b) is transmitted at a time determined solely by the person making the transmission for presentation to members of the public,

and which is not excepted by subsection (1A); and references to broadcasting shall be construed accordingly.

(1A) Excepted from the definition of “broadcast” is any internet transmission unless it is—

- (a) a transmission taking place simultaneously on the internet and by other means,
- (b) a concurrent transmission of a live event, or
- (c) a transmission of recorded moving images or sounds forming part of a programme service offered by the person responsible for making the transmission, being a service in which programmes are transmitted at scheduled times determined by that person.”;

(b) in subsection (3) for the words “, broadcasting a work, or including a work in a broadcast” there shall be substituted “or a transmission which is a broadcast”;

(c) in subsection (4) before the word “broadcast”, where it first appears, there shall be inserted “wireless”;

(d) after subsection (5) there shall be inserted—

“(5A) The relaying of a broadcast by reception and immediate re-transmission shall be regarded for the purposes of this Part as a separate act of broadcasting from the making of the broadcast which is so re-transmitted.”.

Other amendments relating to broadcasts

5.—(1) Section 7 shall cease to have effect.

(2) In section 1(1)(b) for the words “, broadcasts or cable programmes” there shall be substituted “or broadcasts”.

(3) Section 6A shall be amended as follows—

(a) in subsection (1)(a)—

(i) before the words “broadcasting equivalent” there shall be inserted “wireless”;

(ii) for the words “infringement by broadcasting” there shall be substituted “infringement by communication to the public”;

(b) in subsections (1)(b) and (1)(c) before the word “broadcasting” there shall be inserted “wireless”.

(4) Section 9(2)(c) shall cease to have effect.

(5) In section 17(4) for the words “, television broadcast or cable programme” and “, broadcast or cable programme”, there shall be substituted “ or broadcast”.

(6) In section 144A(1) before the word “broadcast” there shall be inserted “wireless”.