
STATUTORY INSTRUMENTS

2005 No. 852

**The Copyright and Performances
(Application to Other Countries) Order 2005**

Wireless broadcasts

4.—(1) Except for the provisions listed in paragraph (2), all the provisions of Part 1 of the Act, insofar as they relate to wireless broadcasts, apply in relation to the countries indicated in the fourth column of the table set out in the Schedule so that those provisions apply—

- (a) in relation to persons who are citizens or subjects of, or are domiciled or resident in, those countries as they apply to persons who are British citizens or are domiciled or resident in the United Kingdom,
- (b) in relation to bodies incorporated under the laws of those countries as they apply in relation to bodies incorporated under the law of a part of the United Kingdom, and
- (c) in relation to broadcasts made from those countries as they apply in relation to broadcasts made from the United Kingdom,

subject to paragraphs (3) to (5).

(2) The following provisions of Part 1 of the Act, insofar as they relate to wireless broadcasts, also apply in relation to a country where its entry in the fourth column of the table set out in the Schedule does not include an asterisk (*)—

- (a) section 18A (infringement by rental or lending of work to the public);
- (b) section 19 (infringement by showing or playing of work in public), but only insofar as it relates to broadcasts other than television broadcasts;
- (c) section 20 (infringement by communication to the public), except in relation to broadcasting by wireless telegraphy;
- (d) section 26 (secondary infringement: provision of apparatus for infringing performance, &c), but only insofar as it relates to broadcasts other than television broadcasts;
- (e) section 107(2A) (criminal liability for communicating to the public), except in relation to broadcasting by wireless telegraphy.

(3) The provisions of Part 1 of the Act do not apply in relation to a wireless broadcast made from a place in a country, referred to in paragraph (4), before the relevant date.

(4) The relevant date in relation to a country—

- (a) where its entry in the fourth column of the table set out in the Schedule includes an “(X)”, is 1st June 1957;
- (b) where its entry in the fourth column of the table set out in the Schedule includes a “(Y)”, is 1st January 1996; or
- (c) where there is a date next to its entry in the fourth column of the table set out in the Schedule, is that date.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(5) For the purposes of section 14(5) of the Act (duration of copyright in repeats)(1) any wireless broadcast which does not qualify for copyright protection shall be disregarded.

(1) Section 14 of the Act was substituted by regulation 7(1) of the Duration of Copyright and Rights in Performances Regulations 1995 (SI 1995/3297) and it was subsequently amended by regulation 2(2) of, and Schedule 2 to, the Copyright and Related Rights Regulations 2003.