
STATUTORY INSTRUMENTS

2005 No. 852

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

Performances

6.—(1) The countries in respect of which the word “designated” is included in the sixth column of the table set out in the Schedule are designated as enjoying reciprocal protection under Part 2 of the Act.

(2) The countries in respect of which the word “deemed” is included in the sixth column of the table set out in the Schedule shall be treated as if they were designated as enjoying reciprocal protection under Part 2 of the Act, except that—

- (a) in that Part the term “recording” shall be construed as applying only to sound recordings (and not to films);
- (b) the following provisions of Part 2 of the Act shall not apply—
 - (i) section 182C (consent required for rental or lending of copies to public), insofar as it relates to lending⁽¹⁾;
 - (ii) section 182D (right to equitable remuneration for exploitation of sound recording);
 - (iii) section 183 (infringement of performer’s rights by use of recording made without consent);
 - (iv) sections 185 to 188 (rights of person having recording rights);
 - (v) section 198(2) (criminal liability for playing or communicating to the public); and
- (c) where in the sixth column of the table set out in the Schedule the entry for a country includes an asterisk (*), the following provisions of Part 2 of the Act shall also not apply—
 - (i) section 182CA (consent required for making available to the public)⁽²⁾;
 - (ii) section 198(1A) (criminal liability for making available to the public).

⁽¹⁾ Sections 182B to 182D were inserted by regulation 20(2) of the Copyright and Related Rights Regulations 1996.

⁽²⁾ Section 182CA and section 198(1A) of the Act were inserted by regulations 7(1) and 26(3) of the Copyright and Related Rights Regulations 2003 respectively.