



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART II

RIGHTS IN PERFORMANCES

[^{F1}CHAPTER 1

INTRODUCTORY

Textual Amendments

- F1** Cross-headings before ss. 180, 181 omitted (1.2.2006) and ss. 180, 181 become Pt. 2 Ch. 1 by virtue of [The Performances \(Moral Rights, etc.\) Regulations 2006 \(S.I. 2006/18\)](#), [reg. 4\(1\)-\(3\)](#) (with [reg. 8](#))

^{x1}**180 Rights conferred on performers and persons having recording rights.**

(1) [^{F2}Chapter 2 of this Part (economic rights)] confers rights—

- (a) on a performer, by requiring his consent to the exploitation of his performances (see sections 181 to 184), and
- (b) on a person having recording rights in relation to a performance, in relation to recordings made without his consent or that of the performer (see sections 185 to 188),

and creates offences in relation to dealing with or using illicit recordings and certain other related acts (see sections 198 and 201).

[Rights are also conferred on a performer by the following provisions of Chapter 3 of ^{F3}(1A) this Part (moral rights)—

- (a) section 205C (right to be identified);
- (b) section 205F (right to object to derogatory treatment of performance).]

(2) In this Part — “performance” means —

- (a) a dramatic performance (which includes dance and mime),

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Chapter 1. (See end of Document for details)

- (b) a musical performance,
- (c) a reading or recitation of a literary work, or
- (d) a performance of a variety act or any similar presentation,

which is, or so far as it is, a live performance given by one or more individuals; and “recording”, in relation to a performance, means a film or sound recording—

- (a) made directly from the live performance,
- (b) made from a broadcast of ^{F4} . . . the performance, or
- (c) made, directly or indirectly, from another recording of the performance.

(3) The rights conferred by this Part apply in relation to performances taking place before the commencement of this Part; but no act done before commencement, or in pursuance of arrangements made before commencement, shall be regarded as infringing those rights.

(4) The rights conferred by this Part are independent of—

- (a) any copyright in, or moral rights relating to, any work performed or any film or sound recording of, or broadcast ^{F5} . . . the performance, and
- (b) any other right or obligation arising otherwise than under this Part.

Editorial Information

- X1** The insertion of the new headings "Chapter 1 Introductory", "Chapter 2 Economic Rights", "Chapter 3 Moral Rights" and "Chapter 4 Qualification for Protection, Extent and Interpretation" in Pt. II on 1.2.2006 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under those new headings.

Textual Amendments

- F2** Words in s. 180(1) substituted (1.2.2006) by [The Performances \(Moral Rights, etc.\) Regulations 2006 \(S.I. 2006/18\)](#), [reg. 5\(1\)](#) (with [reg. 8](#))
- F3** S. 180(1A) inserted 1.2.2006) by [The Performances \(Moral Rights, etc.\) Regulations 2006 \(S.I. 2006/18\)](#), [reg. 5\(2\)](#) (with [reg. 8](#))
- F4** Words in s. 180(1)(4)(a) repealed (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 2\(2\)](#), [Sch. 2](#) (with [regs. 31-40](#))
- F5** Words in s. 180(1)(4)(a) repealed (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 2\(2\)](#), [Sch. 2](#) (with [regs. 32, 33](#))

^{x2}181 Qualifying performances.

A performance is a qualifying performance for the purposes of the provisions of this Part relating to performers' right if it is given by a qualifying individual (as defined in section 206) or takes place in a qualifying country (as so defined).]

Editorial Information

- X2** The insertion of the new headings "Chapter 1 Introductory", "Chapter 2 Economic Rights", "Chapter 3 Moral Rights" and "Chapter 4 Qualification for Protection, Extent and Interpretation" in Pt. II on 1.2.2006 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under those new headings.

Changes to legislation:

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Chapter 1.