



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART II

RIGHTS IN PERFORMANCES

[^{F1}CHAPTER 2

ECONOMIC RIGHTS]

[^{FIX1}*Non-property rights*]

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

- F1** Ss. 192A, 192B and crossheading substituted for s. 192 (1.12.1996) by [S.I. 1996/2967](#), [reg. 21\(2\)](#) (with [Pt. III](#))

[^{F2X2}**192A Performers' non-property rights.**

- (1) the rights conferred on a performer by -
- section 182 (consent required for recording, &c. of live performance),
 - section 183 (infringement of performer's rights by use of recording made without consent), and
 - section 184 (infringement of performer's rights importing, possessing or dealing with illicit recording),

Status: Point in time view as at 01/02/2006.

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Cross Heading: Non-property rights. (See end of Document for details)

are not assignable or transmissible, except to the following extent.

They are referred to in [^{F3}this Chapter] as “^{F4}. . . performer’s non-property rights”.

- (2) On the death of a person entitled to any such right—
 - (a) the right passes to such person as he may by testamentary disposition specifically direct, and
 - (b) if or to the extent that there is no such direction, the right is exercisable by his personal representatives.
- (3) References in [^{F3}this Chapter] to the performer, in the context of the person having any such right, shall be construed as references to the person for the time being entitled to exercise those rights.
- (4) Where by virtue of subsection (2)(a) a right becomes exercisable by more than one person, it is exercisable by each of them independently of the other or others.
- (5) Any damages recovered by personal representatives by virtue of this section in respect of an infringement after a person’s death shall devolve as part of his estate as if the right of action had subsisted and been vested in him immediately before his death.]

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.

Textual Amendments

- F2** Ss. 192A, 192B and crossheading substituted for s. 192 (1.12.1996) by [S.I. 1996/2967, reg. 21\(2\)](#) (with [Pt. III](#))
- F3** Words in s. 192A(1)(3) substituted (1.2.2006) by [The Performances \(Moral Rights, etc.\) Regulations 2006 \(S.I. 2006/18\), reg. 2, Sch. para. 8](#) (with [reg. 8](#))
- F4** Word in s. 192A(1) omitted by virtue of [The Performances \(Moral Rights, etc.\) Regulations 2006 \(S.I. 2006/18\), reg. 2, Sch. para. 5](#) (with [reg. 8](#))

[^{F5X3}192B] **Transmissibility of rights of person having recording rights.**

- (1) The rights conferred by [^{F6}this Chapter] on a person having recording rights are not assignable or transmissible.
- (2) This does not affect section 185(2)(b) or (3)(b), so far as those provisions confer rights under [^{F6}this Chapter] on a person to whom the benefit of a contract or licence is assigned.]

Editorial Information

- X3** 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.

Status: Point in time view as at 01/02/2006.

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Cross Heading: Non-property rights. (See end of Document for details)

Textual Amendments

- F5** Ss. 192A, 192B and crossheading substituted for s. 192 (1.12.1996) by [S.I. 1996/2967, reg. 21\(2\)](#) (with [Pt. III](#))
- F6** Words in s. 192B(1)(2) substituted (1.2.2006) by [The Performances \(Moral Rights, etc.\) Regulations 2006 \(S.I. 2006/18\), reg. 2, Sch. para. 8](#) (with [reg. 8](#))

^{x4}193 Consent.

- (1) Consent for the purposes of [^{F7}this Chapter][^{F8}by a person having a performer's non-property rights, or by a person having recording rights,] may be given in relation to a specific performance, a specified description of performances or performances generally, and may relate to past or future performances.
- (2) A person having recording rights in a performance is bound by any consent given by a person through whom he derives his rights under the exclusive recording contract or licence in question, in the same way as if the consent had been given by him.
- (3) Where [^{F9}a performer's non-property right] passes to another person, any consent binding on the person previously entitled binds the person to whom the right passes in the same way as if the consent had been given by him.

Editorial Information

- X4** 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

- F7** Words in s. 193(1) substituted (1.2.2006) by [The Performances \(Moral Rights, etc.\) Regulations 2006 \(S.I. 2006/18\), reg. 2, Sch. para. 8](#) (with [reg. 8](#))
- F8** Words in s. 193(1) inserted (1.12.1996) by [S.I. 1996/2967, reg. 21\(3\)\(a\)](#) (with [Pt. III](#))
- F9** Words in s. 193(3) substituted (1.12.1996) by [S.I. 1996/2967, reg. 21\(3\)\(b\)](#) (with [Pt. III](#))

Status:

Point in time view as at 01/02/2006.

Changes to legislation:

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Cross Heading: Non-property rights.