

Status: Point in time view as at 01/01/2011.

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Cross Heading: Free public showing or playing of broadcast . . . (See end of Document for details)

SCHEDULES

SCHEDULE 2

RIGHTS IN PERFORMANCES: PERMITTED ACTS

Modifications etc. (not altering text)

- C1** Sch. 2 continued (31.10.2003) by virtue of [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 33](#) (with [regs. 31-40](#))

Free public showing or playing of broadcast^{F1} . . .

Textual Amendments

- F1** Words in heading preceding Sch.2 para. 18 repealed (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 2\(2\)](#), [Sch. 2](#) (with [regs. 31-40](#))

- 18 (1) The showing or playing in public of a broadcast^{F2} . . . to an audience who have not paid for admission to the place where the broadcast^{F2} . . . is to be seen or heard does not infringe any right conferred by [^{F3}this Chapter] in relation to a performance or recording included in—
- (a) the broadcast^{F2} . . . , or
 - (b) any sound recording [^{F4}(except so far as it is an excepted sound recording)] or film which is played or shown in public by reception of the broadcast^{F2} . . .
- [^{F5}(1A) The showing or playing in public of a broadcast to an audience who have not paid for admission to the place where the broadcast is to be seen or heard does not infringe any right conferred by [^{F3}this Chapter] in relation to a performance or recording included in any excepted sound recording which is played in public by reception of the broadcast, if the playing or showing of that broadcast in public—
- (a) ^{F6}
 - (b) is necessary for the purposes of—
 - (i) repairing equipment for the reception of broadcasts;
 - (ii) demonstrating that a repair to such equipment has been carried out; or
 - (iii) demonstrating such equipment which is being sold or let for hire or offered or exposed for sale or hire.]
- (2) The audience shall be treated as having paid for admission to a place—
- (a) if they have paid for admission to a place of which that place forms part; or
 - (b) if goods or services are supplied at that place (or a place of which it forms part)—

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- (i) at prices which are substantially attributable to the facilities afforded for seeing or hearing the broadcast ^{F7} . . . , or
 - (ii) at prices exceeding those usually charged there and which are partly attributable to those facilities.
- (3) The following shall not be regarded as having paid for admission to a place—
- (a) persons admitted as residents or inmates of the place;
 - (b) persons admitted as members of a club or society where the payment is only for membership of the club or society and the provision of facilities for seeing or hearing broadcasts ^{F7} . . . is only incidental to the main purposes of the club or society.
- (4) Where the making of the broadcast ^{F7} . . . was an infringement of the rights conferred by [^{F3}this Chapter] in relation to a performance or recording, the fact that it was heard or seen in public by the reception of the broadcast ^{F7} . . . shall be taken into account in assessing the damages for that infringement.
- (5) Expressions used in this paragraph have the same meaning as in section 72.

Textual Amendments

- F2** Words in Sch. 2 para. 18(1) 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)
- F3** Words in Sch. 2 para. 18(1)(A)(4) substituted (1.2.2006) by [The Performances \(Moral Rights, etc.\) Regulations 2006 \(S.I. 2006/18\)](#), reg. 2, **Sch. para. 9** (with reg. 8)
- F4** Words in Sch. 2 para. 18(1)(b) inserted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), **reg. 21(2)(a)** (with regs. 31-40)
- F5** Sch. 2 para. 18(1A) inserted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), **reg. 21(2)(b)** (with regs. 31-40)
- F6** Sch. 2 para. 18(1A)(a) omitted (1.1.2011) by virtue of [The Copyright, Designs and Patents Act 1988 \(Amendment\) Regulations 2010 \(S.I. 2010/2694\)](#), **art. 4(2)**
- F7** Words in Sch. 2 para. 18(2)(b)(i)(3)(4) 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)

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