

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Paragraph 1B. (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](#))

[^{F1}Personal copies of recordings for private use

Textual Amendments

- F1** Sch. 2 para. 1B and cross-heading inserted (1.10.2014) by [The Copyright and Rights in Performances \(Personal Copies for Private Use\) Regulations 2014 \(S.I. 2014/2361\)](#), [regs. 1\(1\), 3\(3\)](#) (with [reg. 5](#)) (but note that the amending S.I. was quashed with prospective effect by the High Court in the case of *R (British Academy of Songwriters, Composers and Authors and others) v Secretary of State for Business, Innovation and Skills* [2015] EWHC 2041 (Admin), 17 July 2015)

- 1B. (1) The making of a copy of a recording of a performance by an individual does not infringe the rights conferred by this Chapter provided that the copy—
- (a) is a copy of—
 - (i) the individual’s own copy of the recording, or
 - (ii) a personal copy of the recording made by the individual,
 - (b) is made for the individual’s private use, and
 - (c) is made for ends which are neither directly nor indirectly commercial.
- (2) In this paragraph “the individual’s own copy” is a copy of a recording which—
- (a) has been lawfully acquired by the individual on a permanent basis,
 - (b) is not an illicit recording, and
 - (c) has not been made under any provision of this Schedule which permits the making of a copy without infringing the rights conferred by this Chapter.
- (3) In this paragraph a “personal copy” means a copy made under this paragraph.
- (4) The rights conferred by this Chapter in a recording are infringed if an individual transfers a personal copy of the recording to another person (otherwise than on a private and temporary basis), except where the transfer is authorised by the rights owner.
- (5) If the rights conferred by this Chapter are infringed as set out in sub-paragraph (4), a personal copy which has been transferred is for all purposes subsequently treated as an illicit recording.

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

- (6) The rights conferred by this Chapter in a recording are also infringed if an individual, having made a personal copy of the recording, transfers the individual's own copy of the recording to another person (otherwise than on a private and temporary basis) and, after that transfer and without the consent of the rights owner, retains any personal copy.
- (7) If the rights conferred by this Chapter are infringed as set out in sub-paragraph (6), any retained personal copy is for all purposes subsequently treated as an illicit recording.
- (8) To the extent that a term of a contract purports to prevent or restrict the making of a copy which, by virtue of this paragraph, would not infringe any right conferred by this Chapter, that term is unenforceable.
- (9) Expressions used but not defined in this paragraph have the same meaning as in section 28B.]

Changes to legislation:

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