



Copyright, Designs and Patents Act 1988

1988 CHAPTER 48

PART II

RIGHTS IN PERFORMANCES

[^{F1}CHAPTER 2

ECONOMIC RIGHTS

^{X1}[^{F1}Performers' rights]

^{X1}[^{F1} **Right to equitable remuneration for exploitation of sound recording.**

^{F2} 182D

(1) Where a commercially published sound recording of the whole or any substantial part of a qualifying performance—

(a) is played in public, or

[^{F3}(b) is communicated to the public otherwise than by its being made available to the public in the way mentioned in section 182CA(1),]

the performer is entitled to equitable remuneration from the owner of the copyright in the sound recording [^{F4}or, where copyright in the sound recording has expired pursuant to section 191HA(4), from a person who plays the sound recording in public or communicates the sound recording to the public].

[In subsection (1), the reference to publication of a sound recording includes making ^{F5}(1A) it available to the public by electronic transmission in such a way that members of the public may access it from a place and at a time individually chosen by them.]

(2) The right to equitable remuneration under this section may not be assigned by the performer except to a collecting society for the purpose of enabling it to enforce the right on his behalf.

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 182D. (See end of Document for details)

The right is, however, transmissible by testamentary disposition or by operation of law as personal or moveable property; and it may be assigned or further transmitted by any person into whose hands it passes.

- (3) The amount payable by way of equitable remuneration is as agreed by or on behalf of the persons by and to whom it is payable, subject to the following provisions.
- (4) In default of agreement as to the amount payable by way of equitable remuneration, the person by or to whom it is payable may apply to the Copyright Tribunal to determine the amount payable.
- (5) A person to or by whom equitable remuneration is payable may also apply to the Copyright Tribunal—
- (a) to vary any agreement as to the amount payable, or
 - (b) to vary any previous determination of the Tribunal as to that matter;
- but except with the special leave of the Tribunal no such application may be made within twelve months from the date of a previous determination.

An order made on an application under this subsection has effect from the date on which it is made or such later date as may be specified by the Tribunal.

- (6) On an application under this section the Tribunal shall consider the matter and make such order as to the method of calculating and paying equitable remuneration as it may determine to be reasonable in the circumstances, taking into account the importance of the contribution of the performer to the sound recording.
- (7) An agreement is of no effect in so far as it purports—
- (a) to exclude or restrict the right to equitable remuneration under this section, or
 - (b) to prevent a person questioning the amount of equitable remuneration or to restrict the powers of the Copyright Tribunal under this section.

[In this section “collecting society” means a society or other organisation which has^{F6}(8) as its main object, or one of its main objects, the exercise of the right to equitable remuneration on behalf of more than one performer.]]]

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. 182-205B become Pt. 2 Ch. 2 (1.2.2006) by virtue of [The Performances \(Moral Rights, etc.\) Regulations 2006 \(S.I. 2006/18\)](#), [reg. 4\(4\)](#) (with [reg. 8](#))
- F2** S. 182D inserted (1.12.1996) by [S.I. 1996/2967](#), [reg. 20\(2\)](#) (with Pt. III)
- F3** S. 182D(1)(b) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 7\(2\)](#) (with [regs. 31-40](#))
- F4** Words in s. 182D(1) inserted (1.11.2013) by [The Copyright and Duration of Rights in Performances Regulations 2013 \(S.I. 2013/1782\)](#), [regs. 1, 7](#) (with [regs. 11-27](#))
- F5** S. 182D(1A) inserted (1.2.2006) by [The Performances \(Moral Rights, etc.\) Regulations 2006 \(S.I. 2006/18\)](#), [reg. 2](#), [Sch. para. 3\(2\)](#) (with [reg. 8](#))

Changes to legislation: There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 182D . (See end of Document for details)

F6 S. 182D(8) inserted (1.2.2006) by [The Performances \(Moral Rights, etc.\) Regulations 2006 \(S.I. 2006/18\)](#), [reg. 2](#), [Sch. para. 3\(3\)](#) (with [reg. 8](#))

Modifications etc. (not altering text)

C1 S. 182D modified (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 34](#) (with [regs. 31-40](#))

Changes to legislation:

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 182D .