



# Copyright, Designs and Patents Act 1988

## 1988 CHAPTER 48

### PART I

#### COPYRIGHT

### CHAPTER III

#### ACTS PERMITTED IN RELATION TO COPYRIGHT WORKS

*Miscellaneous: broadcasts*<sup>F1</sup> . . .

#### **72 Free public showing or playing of broadcast**<sup>F1</sup> . . . .

(1) The showing or playing in public of a broadcast<sup>F2</sup> . . . to an audience who have not paid for admission to the place where the broadcast<sup>F2</sup> . . . is to be seen or heard does not infringe any copyright in—

- [<sup>F3</sup>(a) the broadcast;
- (b) any sound recording (except so far as it is an excepted sound recording) included in it; or
- (c) any film included in it.]

[<sup>F4</sup>(1A) For the purposes of this Part an “excepted sound recording” is a sound recording—

- (a) whose author is not the author of the broadcast in which it is included; and
- (b) which is a recording of music with or without words spoken or sung.

(1B) Where by virtue of subsection (1) the copyright in a broadcast shown or played in public is not infringed, copyright in any excepted sound recording included in it is not infringed if the playing or showing of that broadcast in public—

- (a) <sup>F5</sup> . . . . .
- (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

*Status: Point in time view as at 01/01/2011. This version of this provision has been superseded.*

**Changes to legislation:** *There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 72. (See end of Document for details)*

- (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)—
    - (i) at prices which are substantially attributable to the facilities afforded for seeing or hearing the broadcast <sup>F6</sup> . . . , 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 <sup>F7</sup> . . . is only incidental to the main purposes of the club or society.
- (4) Where the making of the broadcast <sup>F8</sup> . . . was an infringement of the copyright in a sound recording or film, the fact that it was heard or seen in public by the reception of the broadcast <sup>F8</sup> . . . shall be taken into account in assessing the damages for that infringement.

#### Textual Amendments

- F1** Words in s. 72 heading 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)
- F2** Words in S. 72(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** S. 72(1)(a)-(c) substituted (31.10.2003) for s. 72(1)(a)(b) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 21\(1\)\(a\)](#) (with regs. 31-40)
- F4** S. 72(1A)(1B) inserted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), [reg. 21\(1\)\(b\)](#) (with regs. 31-40)
- F5** S. 72(1B)(a) omitted (1.1.2011) by virtue of [The Copyright, Designs and Patents Act 1988 \(Amendment\) Regulations 2010 \(S.I. 2010/2694\)](#), [art. 4\(1\)](#)
- F6** Words in S. 72(2)(b)(i) 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)
- F7** Words in S. 72(3)(b) 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)
- F8** Words in S. 72(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)

**Status:**

Point in time view as at 01/01/2011. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Copyright, Designs and Patents Act 1988, Section 72.