



# 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; [<sup>F4</sup>or]
- (b) any sound recording (except so far as it is an excepted sound recording) included in it<sup>F5</sup> . . .
- <sup>F6</sup>(c) . . . . .]

[<sup>F7</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 [<sup>F8</sup>film or] excepted sound recording included in it is not infringed if the playing or showing of that broadcast in public—

- (a) <sup>F9</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

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- (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>F10</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>F11</sup> . . . is only incidental to the main purposes of the club or society.
- (4) Where the making of the broadcast <sup>F12</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>F12</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** Word in s. 72(1)(a) inserted (15.6.2016) by [The Copyright \(Free Public Showing or Playing\) \(Amendment\) Regulations 2016 \(S.I. 2016/565\)](#), [regs. 1, 3\(a\)](#)
- F5** Word in s. 72(1)(b) omitted (15.6.2016) by virtue of [The Copyright \(Free Public Showing or Playing\) \(Amendment\) Regulations 2016 \(S.I. 2016/565\)](#), [regs. 1, 3\(b\)](#)
- F6** S. 72(1)(c) omitted (15.6.2016) by virtue of [The Copyright \(Free Public Showing or Playing\) \(Amendment\) Regulations 2016 \(S.I. 2016/565\)](#), [regs. 1, 3\(c\)](#)
- F7** 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)
- F8** Words in s. 72(1B) inserted (15.6.2016) by [The Copyright \(Free Public Showing or Playing\) \(Amendment\) Regulations 2016 \(S.I. 2016/565\)](#), [regs. 1, 3\(d\)](#)
- F9** 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\(1\)](#)
- F10** 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)
- F11** 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)
- F12** 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)

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