



Broadcasting Act 1996

1996 CHAPTER 55

PART VII

COPYRIGHT AND RELATED MATTERS

137 Avoidance of certain terms relating to use for purpose of news reporting of visual images from broadcast or cable programme.

- (1) Any provision in an agreement is void in so far as it purports to prohibit or restrict relevant dealing with a broadcast ^{F1}... in any circumstances where by virtue of section 30(2) of the ^{M1}Copyright, Designs and Patents Act 1988 (fair dealing for the purpose of reporting current events) copyright in the broadcast ^{F1}... is not infringed.
- (2) In subsection (1)—
- [^{F2}(a) “relevant dealing”, in relation to a broadcast, means dealing by communicating to the public any visual images taken from that broadcast, and]
- (b) “broadcast” and “[^{F3}communicating to the public]” have the same meaning as in Part I of the Copyright, Designs and Patents Act 1988.

Textual Amendments

- F1** Words in s. 137(1) repealed (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 1, [Sch. 2](#) (with regs. 31-40)
- F2** S. 137(2)(a) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 1, [Sch. 1 para. 21\(a\)](#) (with regs. 31-40)
- F3** Words in s. 137(2)(b) substituted (31.10.2003) by [The Copyright and Related Rights Regulations 2003 \(S.I. 2003/2498\)](#), reg. 1, [Sch. 1 para. 21\(b\)](#) (with regs. 31-40)

Marginal Citations

- M1** 1988 c. 48.

Changes to legislation: Broadcasting Act 1996, Part VII is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

F4 138 Amendments of Copyright, Designs and Patents Act 1988 relating to cable programme services.

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Textual Amendments

F4 S. 138 repealed (31.7.2017) by [Digital Economy Act 2017 \(c. 30\)](#), ss. [34\(2\)\(b\)](#), 118(6); S.I. 2017/765, reg. 2(n)

139 Copyright licensing.

(1) After section 135G of the Copyright, Designs and Patents Act 1988 there is inserted—

“135H Power to amend sections 135A to 135G.

- (1) The Secretary of State may by order, subject to such transitional provision as appears to him to be appropriate, amend sections 135A to 135G so as—
- (a) to include in any reference to sound recordings any works of a description specified in the order; or
 - (b) to exclude from any reference to a broadcast or cable programme service any broadcast or cable programme service of a description so specified.
- (2) An order shall be made by statutory instrument; and no order shall be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.”

(2) After section 151 of that Act there is inserted—

“151A Award of interest.

- (1) Any of the following, namely—
- (a) a direction under section 123(3) so far as relating to a licence for broadcasting a work or including a work in a cable programme service;
 - (b) a direction under section 128(3) so far as so relating;
 - (c) an order under section 135D(1); and
 - (d) an order under section 135F confirming or varying an order under section 135D(1),
- may award simple interest at such rate and for such period, beginning not earlier than the relevant date and ending not later than the date of the order, as the Copyright Tribunal thinks reasonable in the circumstances.
- (2) In this section “the relevant date” means—
- (a) in relation to a direction under section 123(3), the date on which the reference was made;
 - (b) in relation to a direction under section 128(3), the date on which the reference or application was made;
 - (c) in relation to an order section 135D(1), the date on which the first payment under section 135C(2) became due; and

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(d) in relation to an order under section 135F, the date on which the application was made.”

(3) Subsection (2) does not apply in any case where the reference or application to the Copyright Tribunal was or is made before the commencement of this section.

^{F5}**140**

Textual Amendments

F5 [S. 140](#) repealed (28.5.2000) by [S.I. 2000/1175](#), [reg. 4](#)

^{F6}**141**

Textual Amendments

F6 [S. 141](#) repealed (28.5.2000) by [2000/1175](#), [reg. 4](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2003/3142 art. 4 Sch. 2 by [S.I. 2004/545 art. 2](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 97(1)-(2A) substituted for s. 97(1)(2) by [2003 c. 21 s. 299\(1\)](#) (Ss. 299(1)(3)(4), 300 were due to be commenced on 30.6.2004 by S.I. 2003/3142, art. 4(3), but that commencing provision was omitted (8.6.2004) by virtue of S.I. 2004/1492, art. 2)
- s. 97(5A)(5B) inserted by [2003 c. 21 s. 299\(4\)](#) (Ss. 299(1)(3)(4), 300 were due to be commenced on 30.6.2004 by S.I. 2003/3142, art. 4(3), but that commencing provision was omitted (8.6.2004) by virtue of S.I. 2004/1492, art. 2)
- s. 101(1)-(1D) substituted for s. 101(1) by [2003 c. 21 s. 300\(2\)](#) (Ss. 299(1)(3)(4), 300 were due to be commenced on 30.6.2004 by S.I. 2003/3142, art. 4(3), but that commencing provision was omitted (8.6.2004) by virtue of S.I. 2004/1492, art. 2)
- s. 101(5) inserted by [2003 c. 21 s. 300\(4\)](#) (Ss. 299(1)(3)(4), 300 were due to be commenced on 30.6.2004 by S.I. 2003/3142, art. 4(3), but that commencing provision was omitted (8.6.2004) by virtue of S.I. 2004/1492, art. 2)