



Copyright Act 1956

1956 CHAPTER 74 4 and 5 Eliz 2

PART IV

PERFORMING RIGHT TRIBUNAL

28 Exercise of jurisdiction of tribunal in relation to diffusion of foreign broadcasts

- (1) Where, on a reference to the tribunal under this Part of this Act relating to licences to cause works to be transmitted to subscribers to a diffusion service in the United Kingdom, the tribunal is satisfied—
- (a) that the licences are required wholly or partly for the purpose of distributing programmes broadcast, from a place outside the United Kingdom, by an organisation other than the Corporation and the Authority, and
 - (b) that, under the arrangements in accordance with which the programmes are broadcast by that organisation, charges are payable by or on behalf of the organisation to another body, as being the body entitled under the relevant copyright law to authorise the broadcasting of those works from that place,
- the tribunal shall, subject to the next following subsection, exercise its powers under this Part of this Act as the tribunal may consider appropriate for securing that the persons requiring the licences are exempted from the payment of any charges for them in so far as the licences are required for the purpose of distributing those programmes.
- (2) If on such a reference as is mentioned in the last preceding subsection the tribunal is satisfied as to the matters mentioned in paragraphs (a) and (b) of that subsection, but it is shown to the satisfaction of the tribunal that the charges payable by or on behalf of the organisation, as mentioned in paragraph (b) of that subsection,—
- (a) make no allowance for the fact that, in consequence of the broadcasting of the works in question by that organisation, the persons requiring the licences may be enabled to cause those works to be transmitted to subscribers to diffusion services in the United Kingdom, or
 - (b) do not adequately reflect the extent to which it is likely that those persons will cause those works to be so transmitted in consequence of their being so broadcast,

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the last preceding subsection shall not apply, but the tribunal shall exercise its powers under this Part of this Act so as to secure that the charges payable for the licences, in so far as the licences are required for the purpose mentioned in the last preceding subsection, are on a scale not exceeding that appearing to the tribunal to be requisite for making good the deficiency (as mentioned in paragraph (a) or paragraph (b) of this subsection, as the case may be) in the charges payable by or on behalf of the organisation broadcasting the works.

- (3) The preceding provisions of this section shall have effect, with the necessary modifications, in relation to applications under this Part of this Act as they have effect in relation to references thereunder.
- (4) In this section “the relevant copyright law”, in relation to works broadcast from a place outside the United Kingdom, means so much of the laws of the country in which that place is situated as confers rights similar to copyright under this Act or as otherwise relates to such rights; and any reference to works includes a reference to adaptations thereof.