



# Copyright Act 1956

1956 CHAPTER 74 4 and 5 Eliz 2

## PART VI

### MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

#### 48 Interpretation

(1) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“adaptation ”, in relation to a literary, dramatic or musical work, has the meaning assigned to it by section two of this Act;

“artistic work ” has the meaning assigned to it by section three of this Act;

“assignment ”, in relation to Scotland, means an assignation ;

“building ” includes any structure ;

“cinematograph film ” has the meaning assigned to it by section thirteen of this Act;

“construction ” includes erection, and references to reconstruction shall be construed accordingly;

“the Corporation ” and “the Authority ” have the meanings assigned to them by section fourteen of this Act;

“country ” includes any territory;

“dramatic work ” includes a choreographic work or entertainment in dumb show if reduced to writing in the form in which the work or entertainment is to be presented, but does not include a cinematograph film, as distinct from a scenario or script for a cinematograph film;

“drawing ” includes any diagram, map, chart or plan;

“engraving ” includes any etching, lithograph, woodcut, print or similar work, not being a photograph;

“future copyright ” and “prospective owner ” have the meanings assigned to them by section thirty-seven of this Act;

“judicial proceeding ” means a proceeding before any court, tribunal or person having by law power to hear, receive and examine evidence on oath ;

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“literary work ” includes any written table or compilation;

“manuscript ”, in relation to a work, means the original document embodying the work, whether written by hand or not;

“performance ” includes delivery, in relation to lectures, addresses, speeches and sermons, and in general, subject to the provisions of subsection (5) of this section, includes any mode of visual or acoustic presentation, including any such presentation by the operation of wireless telegraphy apparatus, or by the exhibition of a cinematograph film, or by the use of a record, or by any other means, and references to performing a work or an adaptation of a work shall be construed accordingly;

“photograph ” means any product of photography or of any process akin to photography, other than a part of a cinematograph film, and “author ”, in relation to a photograph, means the person who, at the time when the photograph is taken, is the owner of the material on which it is taken ;

“qualified person ” has the meaning assigned to it by section one of this Act;

“record ” means any disc, tape, perforated roll or other device in which sounds are embodied so as to be capable (with or without the aid of some other instrument) of being automatically reproduced therefrom, and references to a record of a work or other subject-matter are references to a record (as herein defined) by means of which it can be performed;

“reproduction ”, in the case of a literary, dramatic or musical work, includes a reproduction in the form of a record or of a cinematograph film, and, in the case of an artistic work, includes a version produced by converting the work into a three-dimensional form, or, if it is in three dimensions, by converting it into a two-dimensional form, and references to reproducing a work shall be construed accordingly;

“sculpture ” includes any cast or model made for purposes of sculpture;

“sound recording ” has the meaning assigned to it by section twelve of this Act;

“sufficient acknowledgment ” has the meaning assigned to it by section six of this Act;

“television broadcast ” and “sound broadcast ” have the meanings assigned to them by section fourteen of this Act;

“wireless telegraphy apparatus ” has the same meaning as in the Wireless Telegraphy Act, 1949 ;

“work of joint authorship ” has the meaning assigned to it by section eleven of this Act;

“writing ” includes any form of notation, whether by hand or by printing, typewriting or any similar process.

- (2) References in this Act to broadcasting are references to broadcasting by wireless telegraphy (within the meaning of the Wireless Telegraphy Act, 1949), whether by way of sound broadcasting or of television.
- (3) References in this Act to the transmission of a work or other subject-matter to subscribers to a diffusion service are references to the transmission thereof in the course of a service of distributing broadcast programmes, or other programmes (whether provided by the person operating the service or other persons), over wires, or other paths provided by a material substance, to the premises of subscribers to the service; and for the purposes of this Act, where a work or other subject-matter is so transmitted,—

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- (a) the person operating the service (that is to say, the person who, in the agreements with subscribers to the service, undertakes to provide them with the service, whether he is the person who transmits the programmes or not) shall be taken to be the person causing the work or other subject-matter to be so transmitted, and
- (b) no person, other than the person operating the service, shall be taken to be causing it to be so transmitted, notwithstanding that he provides any facilities for the transmission of the programmes:

Provided that, for the purposes of this subsection, and of references to which this subsection applies, no account shall be taken of a service of distributing broadcast or other programmes, where the service is only incidental to a business of keeping or letting premises where persons reside or sleep, and is operated as part of the amenities provided exclusively or mainly for residents or inmates therein.

- (4) References in this Act to the doing of any act by the reception of a television broadcast or sound broadcast made by the Corporation or the Authority are references to the doing of that act by means of receiving the broadcast either—
  - (a) from the transmission whereby the broadcast is made by the Corporation or the Authority, as the case may be, or
  - (b) from a transmission made by the Corporation or the Authority, as the case may be, otherwise than by way of broadcasting, but simultaneously with the transmission mentioned in the preceding paragraph,

whether (in either case) the reception of the broadcast is directly from the transmission in question or from a re-transmission thereof made by any person from any place, whether in the United Kingdom or elsewhere; and in this subsection “re-transmission” means any re-transmission, whether over paths provided by a material substance or not, including any re-transmission made by making use of any record, print, negative, tape or other article on which the broadcast in question has been recorded.

- (5) For the purposes of this Act, broadcasting, or the causing of a work or other subject-matter to be transmitted to subscribers to a diffusion service, shall not be taken to constitute performance, or to constitute causing visual images or sounds to be seen or heard; and where visual images or sounds are displayed or emitted by any receiving apparatus, to which they are conveyed by the transmission of electromagnetic signals (whether over paths provided by a material substance or not),—
  - (a) the operation of any apparatus whereby the signals are transmitted, directly or indirectly, to the receiving apparatus shall not be taken to constitute performance or to constitute causing the visual images or sounds to be seen or heard ; but
  - (b) in so far as the display or emission of the images or sounds constitutes a performance, or causes them to be seen or heard, the performance, or the causing of the images or sounds to be seen or heard, as the case may be, shall be taken to be effected by the operation of the receiving apparatus.
- (6) Without prejudice to the last preceding subsection, where a work or an adaptation of a work is performed, or visual images or sounds are caused to be seen or heard, by the operation of any apparatus to which this subsection applies, being apparatus provided by or with the consent of the occupier of the premises where the apparatus is situated, the occupier of those premises shall, for the purposes of this Act, be taken to be the person giving the performance, or causing the images or sounds to be seen or heard, whether he is the person operating the apparatus or not.

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This subsection applies to any such receiving apparatus as is mentioned in the last preceding subsection, and to any apparatus for reproducing sounds by the use of a record.

- (7) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment.