
STATUTORY INSTRUMENTS

1996 No. 2967

The Copyright and Related Rights Regulations 1996

PART II

AMENDMENTS OF THE COPYRIGHT, DESIGNS AND PATENTS ACT 1988

Rental and lending right

Rental or lending of copyright work

10.—(1) In section 16 (the acts restricted by copyright in a work), in subsection (1), after paragraph (b) insert—

“(ba) to rent or lend the work to the public (see section 18A);”.

(2) After section 18 (infringement of copyright by issue of copies of work), insert—

“Infringement by rental or lending of work to the public.

18A.—(1) The rental or lending of copies of the work to the public is an act restricted by the copyright in—

- (a) a literary, dramatic or musical work,
- (b) an artistic work, other than—
 - (i) a work of architecture in the form of a building or a model for a building, or
 - (ii) a work of applied art, or
- (c) a film or a sound recording.

(2) In this Part, subject to the following provisions of this section—

- (a) “rental” means making a copy of the work available for use, on terms that it will or may be returned, for direct or indirect economic or commercial advantage, and
- (b) “lending” means making a copy of the work available for use, on terms that it will or may be returned, otherwise than for direct or indirect economic or commercial advantage, through an establishment which is accessible to the public.

(3) The expressions “rental” and “lending” do not include—

- (a) making available for the purpose of public performance, playing or showing in public, broadcasting or inclusion in a cable programme service;
- (b) making available for the purpose of exhibition in public; or
- (c) making available for on-the-spot reference use.

(4) The expression “lending” does not include making available between establishments which are accessible to the public.

(5) Where lending by an establishment accessible to the public gives rise to a payment the amount of which does not go beyond what is necessary to cover the operating costs of

the establishment, there is no direct or indirect economic or commercial advantage for the purposes of this section.

(6) References in this Part to the rental or lending of copies of a work include the rental or lending of the original.”.

(3) In section 178 (minor definitions), at the appropriate place insert—

““rental right” means the right of a copyright owner to authorise or prohibit the rental of copies of the work (see section 18A);”;

and omit the definition of “rental”.

(4) In section 179 (index of defined expressions), in the entry relating to the expression “rental” for “section 178” substitute “section 18A(2) to (6)”; and at the appropriate places insert—

“lending section 18A(2) to (6)”

“rental right section 178”.