
STATUTORY INSTRUMENTS

2003 No. 2498

The Copyright and Related Rights Regulations 2003

PART 2

AMENDMENTS OF THE COPYRIGHT, DESIGNS AND PATENTS ACT 1988

Acts permitted in relation to copyright works and rights in performances

Amendment of provisions relating to criticism, review and news reporting

10.—(1) Section 30 shall be amended as follows—

- (a) in subsection (1) after the word “acknowledgement” there shall be inserted “ and provided that the work has been made available to the public”;
- (b) after subsection (1) there shall be inserted—

“(1A) For the purposes of subsection (1) a work has been made available to the public if it has been made available by any means, including—

- (a) the issue of copies to the public;
- (b) making the work available by means of an electronic retrieval system;
- (c) the rental or lending of copies of the work to the public;
- (d) the performance, exhibition, playing or showing of the work in public;
- (e) the communication to the public of the work,

but in determining generally for the purposes of that subsection whether a work has been made available to the public no account shall be taken of any unauthorised act.”;

- (c) in subsection (3) for the words from “, broadcast” to “programme” there shall be substituted “ or broadcast where this would be impossible for reasons of practicality or otherwise”.

(2) For paragraph 2(1) of Schedule 2 there shall be substituted—

“**2.**—(1) Fair dealing with a performance or recording for the purpose of criticism or review, of that or another performance or recording, or of a work, does not infringe any of the rights conferred by Part 2 provided that the performance or recording has been made available to the public.

(1A) Fair dealing with a performance or recording for the purpose of reporting current events does not infringe any of the rights conferred by Part 2.”.