

SCHEDULE 1

CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS OF THE COPYRIGHT, DESIGNS AND PATENTS ACT 1988

1. The Copyright, Designs and Patents Act 1988⁽¹⁾ shall be amended as follows and, except where otherwise indicated, any reference in this Part to a section or paragraph is a reference to a section or paragraph of that Act and reference to a Schedule is to a Schedule to that Act.

Amending the headings of certain provisions

2.—(1) In the headings of section 69 and paragraph 17 of Schedule 2 for the words “cable programmes” there shall be substituted “other services”.

(2) In the heading of paragraph 5 of Schedule 2 for the words “, broadcast or cable programme” there shall be substituted “or broadcast”.

Amendments relating to the new definition of “broadcast”

3.—(1) In each of the following provisions—

- (a) section 17(4);
- (b) section 19(2)(b);
- (c) section 19(3);
- (d) section 31(1);
- (e) section 31(3);
- (f) section 34(2);
- (g) section 79(4)(a);
- (h) section 79(4)(b);
- (i) section 85(2)(a);
- (j) section 132(3)(b);
- (k) section 133(2);
- (l) paragraph 3(1) of Schedule 2;
- (m) paragraph 3(3) of Schedule 2;
- (n) paragraph 5(1) of Schedule 2;

for the words “, broadcast or cable programme” there shall be substituted “or broadcast”.

(2) In each of the follow provisions—

- (a) section 132(1);
- (b) section 133(2);

for the words “, broadcasts or cable programmes” there shall be substituted “or broadcasts”.

(3) In section 299(5) for the words ‘, “broadcasting”’ to “service” there shall be substituted ‘and “broadcasting”’.

(1) 1988 c. 48.

Status: This is the original version (as it was originally made).

Amendments relating to “communication to the public” etc

4.—(1) For section 12(5)(a)(ii) there shall be substituted—

“(ii) communication to the public;”.

(2) For section 12(5)(b)(iii) there shall be substituted—

“(iii) communication to the public;”.

(3) For section 13B(6)(b) there shall be substituted—

“(b) communicating to the public;”.

(4) For both section 117(d) and section 124(d) there shall be substituted—

“(d) communicating the work to the public;”.

(5) For section 198(2)(b) there shall be substituted—

“(b) communicated to the public.”.

(6) For paragraph 17(b) of Schedule 1 there shall be substituted—

“(b) communicating the work to the public, or.”

5. In each of the following provisions—

(a) section 24(2);

(b) section 59(2);

(c) section 62(3);

for the words from “broadcasting” to “service” there shall be substituted “communication to the public”.

6.—(1) In each of the following provisions—

(a) section 175(4)(a)(ii);

(b) section 175(4)(b)(iv);

(c) section 175(4)(c)(ii);

for the words from “broadcasting” to “service” there shall be substituted “communication to the public of the work”.

(2) In each of the following provisions—

(a) section 18A(3)(a);

(b) section 31(2);

(c) section 182C(3)(a);

(d) section 301;

(e) paragraph 3(2) of Schedule 2;

(f) paragraph 2(1) of Schedule 6;

for the words from “, broadcasting” to “service” there shall be substituted “or communication to the public”.

7. In section 151A(1)(a) for the words from “broadcasting” to “service” there shall be substituted “communicating a work to the public”.

8.—(1) In each of the following provisions—

(a) section 77(2)(a);

(b) section 77(6);

(c) section 105(5);

(d) section 191(3);

for the words “, broadcast or included in a cable programme service”, in each place where they occur, there shall be substituted “or communicated to the public”.

(2) In each of the following provisions—

(a) section 77(4)(a);

(b) section 85(1)(c);

for the words from “broadcast” to “service” there shall be substituted “communicated to the public”.

(3) In section 51(2) for the words from “, broadcast” to “service” there shall be substituted “or communicate to the public”.

9.—(1) In each of the following provisions—

(a) section 59(2);

(b) section 77(7)(c);

for the words from “, broadcast” to “programme” there shall be substituted “or communication to the public”.

(2) In section 107(3) for the words from “broadcast” to “programme” there shall be substituted “communication to the public”.

10.—(1) In each of the following provisions—

(a) section 80(3)(a);

(b) section 80(6)(a);

for the words from “, broadcasts” to “service” there shall be substituted “or communicates to the public”.

(2) In each of the following provisions—

(a) section 84(3)(a);

(b) section 84(3)(b);

for the words from “, broadcasts” to “service” there shall be substituted “or communicates it to the public”.

11. In each of the following provisions—

(a) section 163(1A);

(b) section 165(4)(b);

for the words from “, live broadcast” to “programme” there shall be substituted “or live broadcast”.

12. In each of the following provisions—

(a) section 58(1)(b);

(b) paragraph 13(1)(b) of Schedule 2;

for the words from “broadcasting” to “service” there shall be substituted “communicating to the public”.

13.—(1) In each of the following provisions—

(a) section 183(b);

(b) section 187(1)(b);

Status: This is the original version (as it was originally made).

for the words from “broadcasts” to “service” there shall be substituted “communicates to the public”.

(2) In section 80(4)(a) for the words from “or broadcasts” to “service” there shall be substituted “or communicates to the public”.

14. In section 62(2)(c) for the words from “broadcasting” to “service” there shall be substituted “making a broadcast of”.

Amendment of certain definitions

15.—(1) In section 135A(5), before the definition of “needletime”, there shall be inserted—
 ““broadcast” does not include any broadcast which is a transmission of the kind specified in section 6(1A)(b) or (c);”.

(2) For section 144A(7) there shall be substituted—

“(7) In this section—

“cable operator” means a person responsible for cable re-transmission of a wireless broadcast; and

“cable re-transmission” means the reception and immediate re-transmission by cable, including the transmission of microwave energy between terrestrial fixed points, of a wireless broadcast.”.

(3) In section 178, at the appropriate places, the following definitions shall be inserted—

““private study” does not include any study which is directly or indirectly for a commercial purpose;”;

““wireless broadcast” means a broadcast by means of wireless telegraphy;”.

(4) In section 179, at the appropriate places, the following entries shall be inserted—

“communication to the public	section 20”
“private study	section 178”
“wireless broadcast	section 178”.

(5) Section 211 shall be amended as follows—

(a) in subsection (1)—

(i) at the appropriate places the following entries shall be inserted—

“communication to the public,”

“injunction (in Scotland)”

“wireless broadcast.”;

(ii) for “sound recording.” there shall be substituted “sound recording, and”;

(b) in subsection (2) for the words “6(3) to (5), section 7(5) and 19(4)” there shall be substituted “6(3) to (5A) and section 19(4)”.

(6) In section 212, at the appropriate places, the following entries shall be inserted—

“communication to the public	section 211(1) (and section 20)”
“injunction (in Scotland)	section 211(1) (and section 177)”

“making available right

section 182CA”.

Amendment of Schedule 1

16. Schedule 1 shall be amended as follows—

(a) for paragraph 9 there shall be substituted—

“9. No copyright subsists in—

(a) a wireless broadcast made before 1st June 1957, or

(b) a broadcast by cable made before 1st January 1985;

and any such broadcast shall be disregarded for the purposes of section 14(5) (duration of copyright in repeats).”;

(b) paragraph 15(3) shall cease to have effect.

Amendment of Schedule 2A

17. In paragraph 16 of Schedule 2A—

(a) in sub-paragraph (1), for “paragraph 14A of Schedule 2 (lending of certain recordings)” there shall be substituted “paragraph 6, 14A or 20 of Schedule 2 (recording of broadcasts by educational establishments, lending of certain recordings, provision of sub-titled copies of broadcast)”; and

(b) in sub-paragraph (3), for “paragraph 14A” there shall be substituted “the relevant paragraph”.

Further amendments resulting from Directive 93/98/EEC

18.—(1) In section 79(3) for the words from “vested” to the end of the subsection there shall be substituted “vested in the author’s or director’s employer by virtue of section 11(2) (works produced in the course of employment).”.

(2) In section 82(1)(a) after the word “author's” there shall be inserted “ or director's” and the words from “or”, appearing after the word “employment)”, to the end of the paragraph shall be omitted.

(3) Paragraph 12(3) of Schedule 1 shall be amended as follows—

(a) in paragraph (b) for the words “section 12(2)” there shall be substituted “section 12(3)”;

(b) for the words “section 12(1)” there shall be substituted “section 12(2)”;

(c) for the words “plus 50” there shall be substituted “plus 70”.