
STATUTORY INSTRUMENTS

2016 No. 1219

**The Copyright and Performances
(Application to Other Countries) Order 2016**

PART 5

PERFORMANCES

Application of Part 2 of the Act to WPPT countries not party to the Rome Convention

11.—(1) This article applies to the countries listed in Part 2 of the Schedule where this article is specified in the entry relating to that country (countries party to the WPPT but not the Rome Convention).

(2) A country to which this article applies is, subject to paragraphs (3) and (4), designated as enjoying reciprocal protection under Part 2 of the Act.

(3) Part 2 of the Act applies subject to the following modifications—

- (a) the definition of recording in section 180(2) (rights conferred on performers and persons having recording rights), shall be construed as applying only to sound recordings (and not to films);
- (b) the following provisions do not apply—
 - (i) section 182C (consent required for rental or lending of copies to public), in so far as it relates to lending;
 - ^{F1}(ii)
 - (iii) sections 185 to 188 (rights of persons having recording rights); and
 - (iv) section 198(2) (criminal liability for making available to the public) [^{F2}, in so far as it relates to an infringement under section 187].

(4) Where a country to which this article applies [^{F3}, other than New Zealand and Singapore,] has made a declaration under Article 15(3) of the WPPT that—

- (a) it will apply the provisions of Article 15(1) of the WPPT (which confers on performers and producers of phonograms a right to remuneration for broadcasting and communication to the public) only in respect of certain uses,
- (b) it will limit the application of the provisions of Article 15(1) of the WPPT in some other way, or
- (c) it will not apply the provisions of Article 15(1) of the WPPT at all,

the provisions of Part 2 of the Act shall not apply to protect the right provided for in Article 15(1) of the WPPT to the extent that the declaration is in force in the law of that country in relation to British performances.

Textual Amendments

- F1** Art. 11(3)(b)(ii) omitted (coming into force in accordance with art. 1(2) of the amending S.I.) by virtue of The Copyright and Performances (Application to Other Countries) (Amendment) Order 2024 (S.I. 2024/193), arts. 1(2), **6(3)(a)(i)**
- F2** Words in art. 11(3)(b)(iv) inserted (coming into force in accordance with art. 1(2) of the amending S.I.) by The Copyright and Performances (Application to Other Countries) (Amendment) Order 2024 (S.I. 2024/193), arts. 1(2), **6(3)(a)(ii)**
- F3** Words in art. 11(4) inserted (coming into force in accordance with art. 1(2) of the amending S.I.) by The Copyright and Performances (Application to Other Countries) (Amendment) Order 2024 (S.I. 2024/193), arts. 1(2), **6(3)(b)**

Changes to legislation:

There are currently no known outstanding effects for the The Copyright and Performances (Application to Other Countries) Order 2016, Section 11.