

2016 No. 565

COPYRIGHT

**The Copyright (Free Public Showing or Playing) (Amendment)
Regulations 2016**

<i>Made</i>	- - - -	<i>5th May 2016</i>
<i>Laid before Parliament</i>		<i>9th May 2016</i>
<i>Coming into force</i>	- -	<i>15th June 2016</i>

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972(a) in relation to matters relating to copyright(b).

The Secretary of State, in exercise of the powers conferred by section 2(2) of that Act, makes the following Regulations:

Citation and Commencement

1. These Regulations may be cited as the Copyright (Free Public Showing or Playing) (Amendment) Regulations 2016 and come into force on the 15th June 2016.

Amendments to the Copyright, Designs and Patents Act 1988

2. The Copyright, Designs and Patents Act 1988(c) is amended as follows.

3. In section 72(d)—

- (a) at the end of subsection (1)(a) insert “or”;
- (b) in subsection (1)(b), omit “; or”;
- (c) omit subsection (1)(c); and
- (d) in subsection (1B), insert “film or” before “excepted sound recording”.

5th May 2016

Neville-Rolfe
Parliamentary Under Secretary of State for Business, Innovation and Skills
Department for Business, Innovation and Skills

(a) 1972 c.68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1) and the European Union (Amendment) Act 2008 (c.7), section 3(3) and Part 1 of the Schedule.
(b) S.I. 1992/707 and S.I. 1993/595.
(c) 1988 c.48.
(d) Section 72 was amended by S.I. 2003/2498, regulation 2(2), regulation 3, regulation 21(1) and Schedule 2, and S.I. 2010/2694, regulation 4(1).

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 72 of the Copyright, Designs and Patents Act 1988 (“the 1988 Act”) provides an exception to the infringement of certain works included within a broadcast where it is shown or played to an audience who have not paid for admission to the place where the broadcast is to be seen or heard.

This instrument implements Article 3 of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 (OJ No L 167, 22.6.2001, p10) (in part) in the light of the decision in *Football Premier League Ltd. v. QC Leisure and Others* [2012] EWCA Civ 1708. In particular, these Regulations amend section 72(1) of the Copyright, Designs and Patents Act 1988 by removing “film” from the scope of the exception. In addition, these Regulations amend section 72(1B) by inserting the word “film” before “excepted sound recording” in order to retain an exception to infringement of the copyright in a film included within a broadcast where the showing or playing to the public of a broadcast is necessary for the purposes of repairing or demonstrating equipment.

An impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector can be obtained from the Intellectual Property Office, Concept House, Cardiff Road, Newport NP10 8QQ and is available with the explanatory memorandum alongside this instrument on the Legislation UK website at www.legislation.gov.uk. Copies have also been placed in the libraries of both Houses of Parliament.

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£4.25

UK201605067 05/2016 19585

<http://www.legislation.gov.uk/id/uksi/2016/565>

ISBN 978-0-11-114678-1



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