
STATUTORY INSTRUMENTS

2005 No. 852

**The Copyright and Performances
(Application to Other Countries) Order 2005**

Sound recordings

3.—(1) Except for the provisions listed in paragraph (2)(a), all the provisions of Part 1 of the Act, insofar as they relate to sound recordings, apply in relation to the countries indicated in the third column of the table set out in the Schedule so that those provisions apply—

- (a) in relation to persons who are citizens or subjects of, or are domiciled or resident in, those countries as they apply to persons who are British citizens or are domiciled or resident in the United Kingdom,
- (b) in relation to bodies incorporated under the laws of those countries as they apply in relation to bodies incorporated under the law of a part of the United Kingdom, and
- (c) in relation to works first published in those countries as they apply in relation to works first published in the United Kingdom.

(2) Where in the third column of the table set out in the Schedule the entry for a country—

- (a) includes an asterisk (*), the following provisions of Part 1 of the Act, insofar as they relate to sound recordings, also apply to that country—
 - (i) section 18A (infringement by rental or lending of work to the public)(1) in so far as it applies to lending;
 - (ii) section 19 (infringement by playing of work in public)(2);
 - (iii) section 20 (infringement by communication to the public)(3);
 - (iv) section 26 (secondary infringement: provision of apparatus for infringing performance, &c); and
 - (v) section 107(2A) and (3) (criminal liability for communicating to the public or playing a sound recording)(4);
- (b) includes a hash (#), the following provisions of Part 1 of the Act, insofar as they relate to sound recordings, also apply to that country—
 - (i) section 20 (infringement by communication to the public), except that references to communication to the public do not include the broadcasting of a sound recording; and
 - (ii) section 107(2A) (criminal liability for communicating to the public), except that it does not apply in relation to the broadcasting of a sound recording.

(1) Section 18A of the Act was inserted by regulation 10(2) of the Copyright and Related Rights Regulations 1996 (SI 1996/2967).
(2) Section 19 of the Act was amended by regulation 2(1) of, and paragraph 3(1) of Schedule 1 to, the Copyright and Related Rights Regulations 2003.
(3) Section 20 of the Act was substituted by regulation 6(1) of the Copyright and Related Rights Regulations 2003.
(4) Section 107(2A) of the Act was inserted by regulation 26(1)(a) of the Copyright and Related Rights Regulations 2003 and section 107(3) of the Act was amended by regulation 2(1) of, and paragraph 9(2) of Schedule 1 to, those Regulations.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
